

NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Meeting Minutes

Friday, April 9, 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 with no physical location.

Roll Call:

Board President Whitney Owens, PsyD, and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, Soseh Esmaeili, PsyD, were present at roll call. Member Stephanie Woodard, PsyD, arrived at 8:32 a.m. Board Secretary/Treasurer John Krogh, PhD, was absent.

Also present were Harry B. Ward, Deputy Attorney General, Sheila Young, Board Investigator, Lisa Scurry, Executive Director, and members of the public Julia Beasley, Michelle Zochowski, Brian Lech, Noelle Leforge, Hope Bagley, and John Barona.

2. Public Comment

Director Scurry stated no public comment had been received by the Board Office as of the start of the meeting.

Dr. Michelle Zochowski, Psychological Assistant, expressed concern about the EPPP Part-2. That part of the exam is currently undergoing the beta testing phase which will result in her not receiving a score until late summer. She asked that the Board consider options for those seeking licensure at the next meeting, including a potential waiver system.

Dr. Julie Beasley expressed concerns about delays to licensure as a result of the beta testing of the EPPP Part-2. She also asked the Board to consider discussion of the issue at the next regular meeting.

3. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meetings of the Nevada State Board of Psychological Examiners from March 26, 2021.

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 meeting minutes from March 26, 2021. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland) Motion Carries: 4-0

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).

Executive Director Lisa Scurry presented the "budget to actuals" financial report. She reviewed the revenues and expenses, stating that 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 Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the Treasurers Report for Fiscal Year 2021. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland)
Motion Carries: 4-0

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 nor discussion on this item.

5. Board Needs and Operations

A. Update and Report from the Nevada Psychological Association

There was no update from the Nevada Psychological Association

B. Report from the Executive Director on Board Office Operations

Executive Director Scurry explained that the online application for licensure or registration has been revised. The new application allows the user to only complete those sections that are necessary for the type of application (licensure or registration as a psychological assistant, intern or trainee). For example, if the applicant will need to use the PLUS application, they will not be made to complete sections related to education or training as the PLUS application includes those sections. For an applicant who has 20 years' experience or certain other credentials, they will be asked to provide information for the full application at the beginning to potentially expedite the process. Additionally, certain data that has been request by the State, such as service in the military, has been added.

Ms. Scurry planned to make the application live for use by applicants on that date. A link to the application will be provided to the members to see the new format. They were asked to provide any feedback to Ms. Scurry.

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

Harry Ward, Deputy Attorney General, provided updates on the complaints listed below.

- A. Complaint #19-0626.** Mr. Ward explained that this matter is in discovery process, including depositions of witnesses.
- B. Complaint #19-0709.** There was no update on this matter.
- C. Complaint #19-1106.** There was no update on this matter.
- D. Complaint #19-1223.** There was no update on this matter.
- E. Complaint #20-0501.** There was no update on this matter.
- F. Complaint #20-0728.** There was no update on this matter.
- G. Complaint #20-0818.** There was no update on this matter.
- H. Complaint #20-0819.** There was no update on this matter.
- I. Complaint #20-1229**

Dr. Sheila Young, Board Investigator, explained that Complaint 20-1229 was submitted by a private practice who complained that a psychologist with whom they had a contract had quit the practice. As a result, evaluations scheduled to be performed by the psychologist were not completed. Dr. Young stated her belief that the complaint lacked merit. She summarized by saying the complaint alleged it was unethical for the Respondent psychologist to have quit.

Dr. Young recommended dismissal of the complaint. She added that she had waited to see if a counter complaint would be filed. She did not feel the Board had adequate jurisdiction over the matter.

President Owens clarified the allegations of the complaint - that the contracted psychologist quit unethically leaving the practice with several patients that had not been evaluated. During the investigation, the Respondent explained that as the insurance had not been billed by the practice, she could not administer the evaluations.

Dr. Holland clarified that the Complainant was not specifically about a patient(s). Dr. Young confirmed that to be the case.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners dismissed Complaint #20-1229. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland) Motion Carries: 4-0

Mr. Ward asked that Complaint #20-1229 be removed from future agendas.

At President Owens' inquiry, Mr. Ward explained that hearings in some of the matters above will likely be scheduled for July or August.

7. (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 Board of Psychological Examiners considered the following applicants for licensure contingent upon their satisfactory completion of all other licensure requirements: Catherine Aisner, Dana Chidekel, Marissa Garcia Elpidama, Rose Leung, Regina Marshall, Kristina Reynoso, Ashley Taylor, Meghan Walls, and Kiara Wesley.

On motion by Monique McCoy, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon their satisfactory completion of all other licensure requirements: Catherine Aisner, Dana Chidekel, Marissa Garcia Elpidama, Rose Leung, Regina Marshall, Kristina Reynoso, Ashley Taylor, Meghan Walls, and Kiara Wesley. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland) Motion Carries: 4-0

A. (For Possible Action) Discussion and Possible Action To Approve The Application For Reinstatement For Simon Zysman, Ph.D.

Lisa Scurry, Executive Director explained that Dr. Simon Zysman was a new licensee during the last biennium (2019-2020). When he did not renew by December 31, 2020, his license status was changed to expired. He then missed the renewal deadline of March 1, 2021, meaning he would need to apply to reactivate his license. While first time licensees are not required to provide proof of continuing education, reactivation of a license requires proof of 30 credits.

Director Scurry explained that had he renewed prior to March 1, the continuing education requirement would have been waived. However, after March 1 the process becomes re-activation of a license. As a result, Dr. Zysman would be required to complete the continuing education requirement unless it is waived by the Board.

President Owens inquired how many years Dr. Zysman had been licensed in New York, adding that the reason the continuing education requirement is waived for first time licensees is the assumption that someone newly licensed has just completed years of training. It was explained that Dr. Zysman had more than 20 years' experience. President Owens stated that she would not be in favor of providing a waiver, adding that continuing education is important for psychologists.

Member Dr. Holland asked if he has been receiving continuing education through his licensure in New York. Director Scurry replied that she couldn't confirm if he has ever

had continuing education but was told by Dr. Zysman that he did not have current continuing education.

Member Dr. Esmaili agreed that he should complete the requirement prior to having his license reactivated. Dr. Holland concurred.

On motion by Soseh Esmaili, second by Monique McCoy, the Nevada State Board of Psychological Examiners denied the application of Dr. Simon Zysman to re-activate his license to practice psychology. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland) Motion Carries: 4-0

Member Dr. Stephanie Woodard joined the meeting at 8:32.

B. (For Possible Action) Discussion and Possible Action to Approve the Request for a One-Year Extension of the Application for Licensure Through March 31, 2022 for Cynthia Cameron, Ph.D.

Lisa Scurry, Executive Director, presented a request by Cynthia Cameron, Ph.D., for a one-year extension of her application for licensure through March 2022. Nevada Administrative Code provides for two years for completion of the application. Without a waiver, Dr. Cameron would need to reapply and pay the application fee again. Dr. Cameron has completed the psychological assistant hours but not the required state and national examinations.

There was discussion regarding the past practice of closing application files before the application would expire by statute. It was suggested that the Office develop procedures to ensure consistency in communication with applicants. Ms. Scurry explained that she has developed a checklist system for review of files and communicating with candidates.

On motion by Stephanie Holland, second by Soseh Esmaili, the Nevada State Board of Psychological Examiners approved a one-year extension of the application for licensure through March 31, 2022 of Cynthia Cameron, Ph.D.

(Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 5-0

C. (For Possible Action) Discussion and Possible Action to Approve the Request for a One-Year Extension of the Application for Licensure Through June 27, 2022 for John Barona, Ed.D.

Lisa Scurry, Executive Director, presented a request by John Barona, Ed.D., for a one-year extension of his application for licensure through June 27, 2022. Dr. Barona's application is pending his passing the state and national examinations.

There was discussion regarding the April 2021 action by the Board to deny the study plan submitted Dr. Barona to take the state exam. Since that time, Dr. Barona has not re-submitted the exam following guidance from the Board.

Member Dr. Holland stated she would recuse herself from voting as she had been involved in providing Dr. Barona guidance in the past.

Member Dr. Esmaili recommended approving the extension of Dr. Barona's application and to potentially discuss the lack of communication regarding the examinations at a future time.

On motion by Soseh Esmaili, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved a one-year extension of the application for licensure through June 27, 2022 of John Barona, Ed.D. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, and Stephanie Woodard. Abstain: Stephanie Holland) Motion Carries: 4-0

D. (For Possible Action) Discussion and Possible Action to Approve the Request for a One-Year Extension of the Application for Licensure Through March 31, 2022 for Sylvia Chang, Ph.D.

Lisa Scurry, Executive Director, presented a request by Sylvia Chang, Ph.D., for a one-year extension of his application for licensure through June 27, 2022. Dr. Chang's licensure is pending passage of the EPPP Part-1.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved a one-year extension of the application for licensure through June 27, 2022 of Sylvia Chang, Ph.D. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 5-0

E. (For Possible Action) Discussion and Possible Action to Approve the Psychologist Licensure Application of Dana Chidekel, Ph.D., Contingent Upon the Satisfactory Completion of Licensure Requirements.

Lisa Scurry, Executive Director, presented a document provided by the California Board showing that she was fined for failure to show proof of continuing education credits in 2017. The fine was paid and her license is current and active in both California and Connecticut.

On motion by Soseh Esmaili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the application of Dana Chidekel contingent upon satisfactory completion of all other licensure requirements. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 5-0

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 Lisa Scurry reviewed the application of Dr. Hope Bagley and the timeline of events related to a past matter in Virginia. Beginning in 2009, various actions were taken by the Virginia Board to suspend Dr. Bagley's license and later to place it on indefinite probation based on various concerns. In 2015, all restrictions against the license were removed by that Board.

Ms. Scurry explained that an Order from 2015 indicated the license was no longer on probation but a subsequent order dated in 2017 listed the license as on probation. She spoke with an official at the Virginia Board who clarified that the 2017 Order was not new but actually corrected an error made in the decision of the Board from 2013. That official confirmed that as of 2015, the Virginia Board had reinstated Dr. Bagley's license and, to date, it remains active and in good standing.

President Owens inquired of Dr. Bagley if any monitoring is ongoing. Dr. Bagley indicated that the license is currently unrestricted in Virginia.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the application of Hope Bagley.

Ms. Scurry clarified that the motion should include that the application would be approved contingent upon satisfactory completion of all other licensure requirements. President Owens asked for an amended motion.

On motion by Stephanie Holland, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the application of Hope Bagley contingent upon satisfactory completion of all other licensure requirements. (Yea: Whitney Owens, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 5-0

8. (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 Health Guidelines, Supervision Concerns, Obtaining Clinical Hours for Licensure, the Use of Telepsychology and Interjurisdictional Practice, and Consideration of Temporary Licensure/Registration Options

Lisa Scurry, Executive Director, described Senate Bill 326 that is currently being discussed by the State Legislature. The bill, if adopted, would provide for a temporary license for up to one year for individuals licensed in another state, taking the place of Directive 011. The bill passed through the Senate with no revisions and is currently being considered by the Assembly. Ms. Scurry added that more than 340 temporary registrations have been issued under the Directive since April 2020.

President Owens asked if the bill would allow the Board to continue to offer temporary registration and if fees could be charged. Ms. Scurry explained that the bill prohibits charging a fee to anyone applying for the temporary registration.

Member Dr. Woodard spoke about ongoing work with Governor's office to compile data related to temporary registrations under the Directive. They are seeking to understand if the temporary registrations are increasing access to mental health services and in what ways the registration is being used.

Ms. Scurry added that she has seen a change in the reasons given for individuals seeking temporary registration. Initially there were many psychologists from universities providing services to students who were sheltering in Nevada. In the past few months, she has seen an increase in the numbers of psychologists from the same practice who appear to be using the Directive to expand their practice.

Member Dr. Holland inquired if there was a deadline or end date associated with the Directive. Ms. Scurry explained that it was open ended for the length of the Directive and did not have a defined end date. She added that she has always encouraged registrants to seek licensure.

President Owens suggested data be sought from the registrants as to whether they are still using the Directive and how they are using it, including whether or not they are conducting assessments via telehealth.

9. Legislative Update

A. (For Possible Action) Discussion of the 2021 Session of the Nevada Legislature; and Possible Action to Provide Direction to Staff Regarding Proposed Legislation that Could Have Impact on the Board and/or The Practice of Psychology, To Include but Not Limited the Areas of Licensure By Endorsement, Data Collection, Continuing Education, Cultural Competency/Diversity Training, And State Boards Operations (AB327, SB44, SB208, SB326, SB335, and SB402)

President Owens explained that she and Director Scurry submitted comments on Senate Bill 208. That bill would have created a provisional license. Director Scurry noted that the bill did not look like it would be approved prior to that day's deadline. As a result, it was likely to expire.

Senate Bill 44, which was proposed by the Rural health Board, would create a pathway to licensure by endorsement, including the granting of a provisional license until full licensure could be accomplished. President Owens explained several proposed amendments to that bill. One would have provided for reduced renewal fees for licensees who work with underserved populations. There was debate during the committee hearing as to whether or not that could be a discriminatory practice. Another proposal would have reduced the number of continuing education credits needed for those same licensees. A final proposal would provide for reduced renewal fees for those licensees who bill Medicaid or Medicare as they were likely to be working with underserved populations. The bill is pending with no final amendment posted for review as of the Board meeting start time.

Ms. Scurry explained that Assembly Bill 327 was approved by the Assembly and would be moving toward a hearing in the Senate. The bill will require continuing education in cultural competency by licensees.

B. (For Possible Action) Discussion and Possible Action on Assembly Bill 366 (2021) Which Proposes Changes to Nevada Revised Statutes Related to Medical Records and 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.

Lisa Scurry, Executive Director, explained that Assembly Bill 366 went through the Assembly hearing with no discussion or concerns. It is expected to move forward to the Senate side without amendment. The bill was proposed by the Board to exempt audio and video recordings used for training purposes from being classified as medical records that must be retained.

10. (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, explained that a proposed discovery and scheduling order was submitted to the judge by the Plaintiff in this matter. The scheduling order will provide deadlines for finishing the discovery process. The matter is ongoing.

11. (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

The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, May 14, 2021 at 8:30 a.m.

12. Requests for Future Board Meeting Agenda Items

President Owens suggested an item to discuss creation of a Master's level license.

13. Public Comment

There was no public comment at this time.

14. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 9:30 a.m.