

# NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

## Meeting Minutes

Friday, May 14, 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. at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was also conducted online via "Zoom."

**Roll Call:** Board President Whitney Owens, PsyD, Secretary/Treasurer John Krogh, Ph.D. and Members Stephanie Holland, PsyD, Monique McCoy, LCSW, Soseh Esmaeili, PsyD, and Stephanie Woodard were present at roll call.

Also present were Harry B. Ward, Deputy Attorney General, Gary Lenkeit, Board Investigator, Sheila Young, Board Investigator, Lisa Scurry, Executive Director, and members of the public: James Tenney, Michelle Zochowski, Brian Lech, Sarah Ahmad, Kellie Nesto, Sara Hunt, Donald Hoier, Michael Pauldine, and Brian Hager.

### **2. Public Comment**

There was no public comment at this time. Lisa Scurry, Executive Director, stated no 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 April 9, 2021.**

There was no discussion nor recommended changes to the minutes.

**On motion by Soseh Esmaeili, second by John Krogh, the Nevada State Board of Psychological Examiners approved the meeting minutes from April 9, 2021.** (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Soseh Esmaeili. Not Present at Vote: Stephanie Woodard) 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).**

Secretary/Treasurer Dr. John Krogh presented the financial report. He noted that fiscal year 2021 is nearing the end. Overall, the revenues were at 99% of what was budgeted. Expenditures, to date, were just under 75% of what was budgeted leaving the Board in a positive financial position.

**On motion by Monique McCoy, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the treasurer's report for Fiscal Year 2021.** (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Soseh Esmaeili. Not Present at Vote: Stephanie Woodard) Motion Carries: 5-0

**B. (For Possible Action) Discussion and Possible Action to Make Adjustments to The Fiscal Year 2022 Budget**

Lisa Scurry, Executive Director, presented proposed changes to the Fiscal Year 2022 budget. She explained that the purpose of the revision was to more accurately reflect the projected revenues and expenditures, based on the current year numbers. She added that this will help in future years in establishing the budget. Areas changed included adjustments for office and investigator salaries based on the established salary schedules; money to hire temporary staff, if needed, for projects; the PERS (retirement) expense; and adjustments to certain revenue line items.

**On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the revisions to the Fiscal Year 2022 Budget as presented.** (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Soseh Esmaeili. Not present at Vote: Stephanie Woodard) Motion Carries: 5-0

**5. Board Needs and Operations**

**A. Update and Report from the Nevada Psychological Association (NPA)**

Sara Hunt, current past president of the NPA, announced that as of May 1, 2021, Dr. Tara Borsh became the new president of NPA. The association is also working on its strategic plan.

President Owens noted that she and Ms. Scurry recently collaborated with NPA to conduct a training for supervisors of psychological trainees, interns, and assistants. She stated that the training was offered as a service to licensees.

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

Lisa Scurry, Executive Director, presented an update on Board office operations. Over the past 3 months: 13 applicants have received licenses with 2 pending receipt of the final fees; and 21 new applications have been received. The office has registered 9 non-resident consultants and 345 registrants under Directive 011. Since the Board approved a new process for reviewing background check findings, 3 have been referred to the established review team with none of them being referred to the Board. Lastly, 31 continuing education course applications have been approved in 2021.

Ms. Scurry updated the Board on several ongoing projects including revision of the State Exam Candidate Guide, update of the Board's website, and plans to digitally scan licensee files which is scheduled to begin during the summer.

Ms. Scurry presented, for the Board's information, a new form created for those applicants who need to request permission to take the EPPP or state exam a 4<sup>th</sup> time. As such requests require a study plan and approval by the Board, the application was developed to provide consistency and guidelines for those applicants.

**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.**

There was no discussion on this item.

**7. (For Possible Action) Discussion and Possible Action on Potential Implementation of Proposed Legislation, Including Senate Bill 326 That Would Take the Place of the Governor's Directive 011 and Allow For Temporary Registration Of Out-Of-State Providers To Practice Via Telehealth**

Lisa Scurry, Executive Director, explained that Senate Bill 326 was still pending in the Legislative Session. Although the bill passed through the Senate, it had not been heard in the Assembly. It was of interest to the Board because it would effectively take the place of Directive 011, allowing licensed psychologists in other jurisdictions to practice in Nevada using telehealth but on a temporary basis. Ms. Scurry explained that on the chance that the bill passed, she has developed a new registration process that would allow registrants an expedited path to licensure should they choose to pursue it. She asked the Board for authority to implement the extended registration process, in line with the proposed provisions of SB326, should that bill pass.

President Owens added that she supported the process because it would be a streamlined registration process but that it also added protections for the public. The registration process would include questions about complaints or legal issues in any other jurisdictions in which the psychologist was licensed.

**On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners directed the executive director to create a registration application that mirrors that of licensure to be ready should Senate Bill 326 become enacted.** (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, Soseh Esmaeili. Not present at Vote: Stephanie Woodard)  
Motion Carries: 5-0

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

Harry Ward, Deputy Attorney General, provided an update on the matters listed below:

**A. Complaint #19-0626.** Discovery, including depositions, is ongoing. Mr. Ward explained that the matter will likely go to a hearing later in the summer of 2021.

**B. Complaint #19-0709.** This matter is pending.

**C. Complaint #19-1106.** This matter is pending.

**D. Complaint #19-1223.** This matter is pending.

**E. Complaint #20-0501.** This matter is pending.

**F. Complaint #20-0728**

Dr. Gary Lenkeit, Board investigator, explained that the complainant participated in a therapeutic session with her daughter and the psychologist via FaceTime. During the session, the Respondent and the Complainant's daughter were located in Nevada while the Complainant was located in Indiana. The complaint alleged that the session resulted in increased damage to her relationship with her daughter due to the Respondent's incompetent care. She further alleged that the Respondent lacked objectivity and sensitivity, as well as knowledge about individual and family therapy. As a result, the Complainant alleged that standards of care were not met. The Complainant also alleged that the psychologist was practicing family therapy across state lines without a license in Indiana.

The Respondent disputed the nature of the session as it was not intended to be a family session but part of the individual therapy with her client. The Respondent stated that the Complainant was included in the therapy as a collateral participant for the purposes of establishing a visitation schedule. The Respondent provided the investigator a document entitled, "Collateral Agreement for Psychotherapy Services" which was signed by her client. That document described the nature of the session and the complainant's role in the session. The Respondent denied all allegations in the complaint.

Dr. Lenkeit described the three issues raised by the complaint. The first issue was whether this was an independent session with collateral involvement or a family therapy session. Dr. Lenkeit provided his conclusion that this was an independent session with collateral involvement.

The second issue was whether the session could be conducted across state lines. Dr. Lenkeit acknowledged that a family therapy session could not be conducted across state lines without a license as the family would be the client. In this case, treatment was of the individual in Nevada, with the individual in Indiana being collateral. For that reason, there was no inappropriate practice across state lines.

The third issue was whether the Respondent's alleged bias violated the standard of care for the practice of psychology. The psychologist is expected to provide advocacy for their client while maintaining a professional level of objectivity. Dr. Lenkeit stated his

belief that statements by the psychologist included in the complaint could be seen as advocacy for her client and were appropriate. The Respondent's client submitted a letter to the Board stating her satisfaction with her treatment. There were no indications provided of sub-standard care.

Dr. Lenkeit stated his opinion that there was no violation of law or the APA Code of Ethics. As a result, he recommended the Board dismiss the matter. There were no questions or comments from the Board members.

**On motion by John Krogh, second by Stephanie Holland, the Nevada State Board of Psychological Examiners dismissed Complaint #20-0728.** (Yea: Whitney Owens, John Krogh, Stephanie Holland, Monique McCoy, and Soseh Esmaeili. Not Present at Vote: Stephanie Woodard) Motion Carries: 5-0

This item will be removed from future agendas.

**G. Complaint #20-0818.** This matter is pending.

**H. Complaint #20-0819.** This matter is pending.

**9. (For Possible Action) Discussion and Possible Action of Appointment of a Hearing Officer in Case #19-0626 to Conduct the Hearing in the Matter**

Harry Ward, Deputy Attorney General, explained that the Board may not be able to establish a quorum of members if Case #19-0626 matter goes to a hearing. Several of the members have expressed to Mr. Ward that they would need to recuse themselves. As a result, Mr. Ward suggested that the Board appoint a hearing officer under the authority established by Nevada Revised Statutes (NRS) 641.240. He explained that he was not asking at that time specifically for the appointment of a hearing officer, only for the ability to do so.

President Owens recused herself from the matter and Mr. Ward stated that Secretary/Treasurer Krogh would take her place.

Mr. Ward stated that any motions that could come forward would be held until a hearing officer is in place. One motion that is likely is a Motion for a More Definite Statement. That would be a preliminary motion asking the hearing officer to make a decision whether the complaint is sufficient enough to go forward, and whether there are sufficient factual allegations that the Respondent can present a defense.

Lastly, Mr. Ward stated that as the hearing officer will be paid there will be a cost incurred in the matter.

President Owens asked the Board for action to appoint a hearing officer in the matter of Complaint #19-0626. Mr. Ward suggested President Owens recuse herself from such action.

**On motion by John Krogh, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the appointment of a hearing officer in Case #19-0626.** (Yea: John Krogh, Stephanie Holland, Monique McCoy, Soseh Esmaeili. Not Present at Vote: Stephanie Woodard. Recused: Whitney Owens) Motion Carries: 4-0

**10. (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 order.)

President Owens read the names of the applicants being considered for licensure, contingent upon satisfactory completion of all licensure requirements: Gera Anderson, Si Arthur Chen, Edward De Anda, Howard Friedman, Carlyne Karr, Bertrand Levesque, Jodi Lovejoy, Melissa Marrapese, Michellane Mouton, Patrick Murphy, Jesse Scott, and Michelle Zochowski.

**On motion by John Krogh, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of all licensure requirements:** Gera Anderson, Si Arthur Chen, Edward De Anda, Howard Friedman, Carlyne Karr, Bertrand Levesque, Jodi Lovejoy, Melissa Marrapese, Michellane Mouton, Patrick Murphy, Jesse Scott, and Michelle Zochowski. (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Woodard, and Stephanie Holland) Motion Carries: 6-0

(This item was taken out order.)

Lisa Scurry, Executive Director, presented an appeal by Kellie Nesto regarding the start date for the collection of her post-doctoral training hours. She explained that the application for registration was received by the Board office on February 15, 2021. The rest of the application packet was received at the beginning of April. Ms. Scurry stated that, in general, the soonest registration can be completed is two weeks after applying and suggested a compromise of March 1 to begin counting the hours.

President Owens asked what the state laws and regulations state with regard to registration of a psychological assistant. Ms. Scurry replied that NRS 641.226 reads that registration must be completed with the Board to gather post-doctoral hours. She added that the following components must be submitted to the Board office prior to registration being completed: PLUS application, proof of fingerprinting and background check waiver, Supervised Program Plan and employment agreement, and the registration fee.

President Owens reviewed potential options: begin the hours the date the application was submitted on February 15, begin the hours the date the application was completed on April 8, or compromise with a date in the middle.

Member Dr. Holland stated the Board has given a grace period of 2 months in the past. She suggested creating consistent messaging and process related to the application and registration period.

President Owens agreed and stated she would support allowing the hours to begin on the application date of February 15, 2021.

Member Dr. Holland stated she would abstain from the vote.

**On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved the request of Kellie Nesto that the collection of her post-doctoral training hours begin February 15, 2021.**

(Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Woodard. Abstain: Stephanie Holland) Motion Carries: 5-0

Member Dr. Woodard suggested that the Board place discussion of the process for registration of psychological assistants on a future agenda. She added that consistent and formal processes should be put in place.

**A. (For Possible Action) Discussion and Possible Action to Approve Jennifer Grimes-Vawters For a One-Year Extension of Her Registration as a Psychological Internship Through June 18, 2022**

(This item was taken out order.)

Lisa Scurry, Executive Director, explained that Jennifer Grimes-Vawters registration as a psychological intern will end on June 18, 2021. She lost her supervisor in 2020 and was not able to complete the required hours. She is requesting a one-year extension through June 18, 2022.

As Ms. Grimes-Vawters had previously indicated to the Board office that she did not currently have a new supervisor, there was discussion about whether to approve the extension or wait until a new supervisor was in place. Discussion included approving the extension contingent upon finding a supervisor.

Member Dr. Holland suggested that review of the supervised plan and employment agreement should be received prior to the extension beginning. Member Dr. Krogh agreed with providing an extension but added that all other provisions should be approved prior to the start date.

**On motion by John Krogh, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved a one-year extension for Jennifer Grimes-Vawters of her registration as a psychological intern beginning and contingent upon submission of a satisfactory Supervised Practice Plan and**

**Employment Agreement to the Board office.** (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 Approve the Application for Licensure of Danielle Richards, as Recommended by the ATEAM Committee on March 23, 2021, and Contingent Upon the Satisfactory Completion of All Other Licensure Requirements Including Passage Of The EPPP Parts 1 And 2**

(This item was taken out of order.)

Lisa Scurry, Executive Director, presented the application of Dr. Danielle Richards. Dr. Richards' application was reviewed by the Application Tracking Equivalency and Mobility (ATEAM) Committee on March 23, 2021. Dr. Richards attended a non-APA educational institution resulting in review by the Committee. After finding the education was substantially equivalent, the Committee recommended approval by the Board of the application for licensure contingent upon completion of the licensure requirements. The Committee recommended Dr. Richards take and pass the EPPP Parts 1 and 2 as she had been outside of clinical practice for a number of years.

**On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the recommendation of the ATEAM Committee to approve the application of Dr. Danielle Richards contingent upon completion of the requirements for licensure including passing both the EPPP Parts 1 and 2.** (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 Approve the Application for Licensure of Janina Scarlet, as Recommended by the ATEAM Committee on March 23, 2021, and Contingent Upon the Satisfactory Completion of all Other Licensure Requirements**

(This item was taken out of order.)

Lisa Scurry, Executive Director, presented the application by endorsement of Dr. Janina Scarlet. Dr. Scarlet's application was reviewed by the Application Tracking Equivalency and Mobility (ATEAM) Committee on March 23, 2021. The Committee reviewed both the education as well as the training experience. As Dr. Scarlet had been in practice for more than 5 years, approval was recommended based on the provisions of Nevada Administrative Code (NAC) 641.080 which allows for a reduction in training hours to 1,500 for the internship and 1,500 for post-doctoral training. The Committee recommended approval by the Board of the application for licensure contingent upon completion of the licensure requirements.

**On motion by Stephanie Holland, second by John Krogh, the Nevada State Board of Psychological Examiners approved the recommendation of the**



**ATEAM Committee to approve the application of Dr. Janina Scarlet contingent upon completion of the requirements for licensure.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**D. (For Possible Action) Discussion and Possible Action to Approve the Application for Licensure of Raymond Nourmand, as Recommended by The ATEAM Committee on April 20, 2021, And Contingent Upon The Satisfactory Completion Of All Other Licensure Requirements**

(This item was taken out of order.)

Lisa Scurry, Executive Director, presented the application by endorsement of Dr. Raymond Nourmand. Dr. Nourmand's application was reviewed by the Application Tracking Equivalency and Mobility (ATEAM) Committee on April 20, 2021. The Committee reviewed both the education as well as the training experience. As Dr. Nourmand had been in practice for more than 5 years, approval was recommended based on the provisions of NAC 641.080 which allow for a reduction in training hours to 1,500 for internship and 1,500 for the postdoctoral experience. The Committee recommended approval by the Board of the application for licensure contingent upon completion of the licensure requirements.

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

**11. (For Possible Action) Discussion and Possible Action to Grant Dr. Michael Pauldine a Waiver of Nevada Administrative Code (NAC) 641.1519(2) Which Requires a Supervisor of a Psychological Assistant be Licensed to Practice Psychology for 3 Years or More**

Dr. Michael Pauldine requested a waiver of NAC 641.1519 which requires he be licensed for 3 years or more to serve as a supervisor of a psychological assistant. Dr. Pauldine's license was effective October 11, 2019.

President Owens inquired when supervision of the post-doctoral student would begin. Dr. Pauldine explained the post-doc would start in September, leaving him one year and one month short of the 3-year requirement.

Member Dr. Krogh asked what the precedent has been in the past for allowing a waiver of the 3-year requirement. Investigator Dr. Lenkeit stated he did not believe the Board had allowed a waiver of anyone with less than 2 years 6 months licensure but added that the reasons for the request were also considered. Member Dr. Holland agreed but

stated her recollection was 2 years and 9 months unless there were extenuating circumstances.

Dr. Pauldine explained he is the assessment coordinator at the University of Nevada. As such, he is the lead in the area in which the psychological assistant would be focused.

There was discussion about option such as having an alternative primary supervisor, with Dr. Pauldine serving as the secondary. The members also discussed whether the primary supervisor must be employed by the University.

Dr. Pauldine provided a detailed explanation of his experience as a supervisor, including: In grad school, he taught the graduate level labs on assessment; he has sought practicums and internship experiences that were assessment focused; and, since being hired as the assessment coordinator at the University, he has been secondary supervisor to three post-doctoral students, and supervisor to 8 interns and 6 practicum students.

President Owens stressed it was important to be consistent with past practice but that ensuring good supervisors are installed was equally important. She suggested the Board review the regulation in the future to allow for experience of the supervisor. She added that experience and training of a supervisor may be more important than the number of years licensed.

**On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the request of Dr. Michael Pauldine for a waiver of Nevada Administrative Code (NAC) 641.1519(2), allowing him to serve as the supervisor of a psychological assistant due to his unique set of circumstances.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

Member Dr. Woodard noted that the Board approval was due to Dr. Pauldine's stated extensive supervision experience.

## **12. (For Possible Action) Discussion and Possible Action on Implementation of The EPPP Part-2, Including Concerns Expressed by Candidates Related to the Beta Test and Potential Delays to Licensure**

(This item was taken out of order.)

Lisa Scurry, Executive Director, provided background to the item stating that Nevada is an early adopter of the EPPP Part-2. The Board took action in November 2020 that any new applicants for licensure as of November 1, 2020 would be subject to that part of the exam, in addition to the EPPP Part-1. She stated that the Association of State and Provincial Psychology Boards (ASPPB) extended the beta testing of the exam into the summer. As a result, any candidate who takes the exam from implementation through May 31, 2021 will not receive the score until after the black out period, currently

scheduled for June/July 2021. Anyone who has not taken the exam by May 31, will have to wait until after the same black out period.

At the May meeting of the Board, it was requested that this item be discussed by the Board because there are applicants whose licensure may be delayed as a result of these circumstances.

Drs. Michelle Zochowski, Julie Beasley, and Brian Hager were present to request a waiver of the EPPP Part-2 requirement for Dr. Zochowski. Dr. Zochowski explained that she had taken the exam but will not receive a score until late summer. She has a position waiting for her once licensure is received. Without the EPPP Part-2, she stated she would have been on track to be licensed by July 1, 2021.

Dr. Julie Beasley, Dr. Zochowski's supervisor, stated her agency has a position open as of July 1. The delay being discussed will create several issues, particularly if issuance of the license is delayed 3-6 months.

At President Owen's inquiry, Harry Ward, Deputy Attorney General, stated the law does not authorize the Board to issue a provisional license. Instead, he suggested the Board could make an exception or issue a waiver of the exam requirement to accommodate the needs of an applicant.

President Owens stated a concern with issuing a license would be that if Dr. Zochowski fails the exam, the license would have already been issued. Member Dr. Esmaili asked for clarification on what a waiver would do, if it would be specific to this requestor, and what would happen if a passing score was not obtained.

Dr. Beasley explained the credentialing concerns with not having Dr. Zochowski licensed, including working with Medicaid patients and private insurers. She added that she is on-site full-time and would be willing to continue to be a supervisor if that is what the Board requests. Funding Dr. Zochowski without a license would be an obstacle to the agency.

Dr. Lenkeit, Board investigator, asked if anyone will be able to be licensed prior to the black-out period. He asked if the Board should consider waiving the EPPP Part-2 requirement until after the black-out period.

Dr. Esmaili asked if the license could be issued with the conditions that Dr. Zochowski would be supervised until the EPPP Part-2 is passed. Mr. Ward stated the Board has the authority to make decisions as long as they are not in opposition to the law and can justify their reasons.

President Owens suggested providing licensure but still requiring the test be taken. She questioned if other applicants will have the ability to retain a supervisor and what will happen if an applicant fails the exam but has already received the license.

Member Dr. Krogh shared his concern about waiving the exam as the Board adopted Part-2 after long and thoughtful consideration. He added similar concerns about the impact on someone who learns they failed the exam after having received the license.

Public Comment.

Dr. Brian Lech made comment to ask if the Board if they would consider suspending the requirement for 90 days. He added that both the EPPP Part-1 and the State Exam would still be in effect. In that way, there would be no concern about someone failing who had been practicing under a license.

Dr. Beasley made comment thanking the Board for having the conversation and gave support to Dr. Lech's suggestion in order to keep the licensure process moving forward. She added that Dr. Zochowski had taken the test but that there were no supports in place, such as a practice test.

President Owens inquired of Mr. Ward if the Board had the authority to review each applicant on a case-by-case basis. Mr. Ward responded that, although it was not an official attorney general opinion, he believed the Board would have that authority.

Ms. Scurry stated there were currently five candidates that had already taken Part-2 or made an appointment to take it.

There was discussion about the Board being flexible and considering each candidate on a case-by-case basis.

Dr. Holland stated she agreed conceptually but was concerned about suspending the exam.

President Owens suggested temporarily waiving the requirement to have a passing score but not waiving the requirement to take the exam. For Dr. Zochowski, President Owens proposed temporarily waiving the requirement of a passing score on the EPPP Part-2 prior to licensing with the understanding that she will remain under the supervision of Dr. Beasley until a passing score is received. For others, review of their circumstances would determine the plan for that candidate.

Ms. Scurry stated that, per ASPPB, Part-2 will be administered through May 31, 2021. The test will be suspended for a black out period in June and July. Those who took the test prior to the black out period are expected to have their score within 2 weeks of the end of the beta test or approximately mid-August.

**On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved a waiver for Dr. Zochowski to be license eligible with the caveat that she remains under the supervision of Dr. Beasley until she receives a passing score on the EPPP Part-2.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, and Stephanie Holland. Not Present at Vote: Stephanie Woodard) Motion Carries: 5-0

### **13. (For Possible Action) Discussion and Possible Action on the Status of the State Examination, Including Data Related to Administration and Proctoring of the Exam**

Lisa Scurry, Executive Director, provided an update on the administration of the State Examination. At a past meeting, the Board suggested that protocols be implemented to ensure the security of the examination. After conducting research, it was found that many of the online security systems were either expensive, would not meet the Board's intent, or both. Instead, Ms. Scurry suggested proctoring the exam using online meeting software. The Board provided her the authority to do so and requested a follow-up report to ensure the Board's intent was being met while not causing any disruption to the administration of the test.

To date, 26 candidates have taken the exam and none expressed concerns with the process. Ms. Scurry explained that the test taker receives the meeting link a few days in advance and the link to the test once the "meeting" has begun.

Ms. Scurry suggested, and Dr. Holland, the Board's Testing Coordinator, agreed, the item return for further discussion once 50 tests have been administered in this manner. That should provide enough data to evaluate the exam and administration process.

Lastly, Ms. Scurry stated that proctoring the exam in this way is slightly disruptive to daily operations and testing dates will be limited to two days each month. She requested an extension from the Board to continue administration of the exam using online meeting software. The procedures will be re-evaluated once 50 candidates have taken the exam.

**On motion by Soseh Esmaeili, second by John Krogh, the Nevada State Board of Psychological Examiners directed the Executive Director to continue proctoring the state exam using online meeting software; and to bring data related to the state exam once 50 or more tests have been administered.**

(Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, and Stephanie Holland. Not Present at Vote: Stephanie Woodard) Motion Carries: 5-0

### **14. (For Possible Action) Discussion and Possible Action to Create a Masters' Degree Level License**

President Owens described conversations that are occurring at the national level to establish a master's degree level license in clinical psychology. Other states, such as Texas and Virginia, have such a license in place. The American Psychological Association (APA) appears to be in favor of such licensure. President Owens brought the item to the Board in order to begin discussion about what such a license would entail, how oversight would occur, etc.

Member Dr. Woodard asked if either APA or the Association of State and Provincial Psychology Boards (ASPPB) have distributed their opinions on expectations related to education and training. President Owens responded that a model is being created.

Member Dr. Esmaeili inquired about the Board's monitoring role for that licensing level.

President Owens stated that the Board would set the licensing standards, create the title and license description, etc., according to the APA Model. She added that legislation about licensure by endorsement is already pushing Nevada's standards of licensure equivalency. Having a master's level license would allow the Board to provide a license to individuals coming from states, such as Texas and Virginia, that do not have equivalent standards for licensure, such as the doctorate requirement.

Member Dr. Holland asked about the reasons for implementing a master's level license. She commented that in Texas, for example, it appeared that only the education would be different as 3,000 supervised hours are still required post-graduation.

President Owens stated that the Texas information was provided only for reference and not to advocate for following that model. She stated that the Board could potentially create language that is substantially equivalent to our current standards.

Dr. Woodard commented on other professionals where this pipeline to licensure has been developed and utilized, such as nursing. She added that it makes sense in a state like Nevada that has a workforce shortage to enable them to practice under a limited scope. If the scope is not limited it diminishes the licensed psychologist designation and the additional education and training that comes with that credential.

This item will return on future agendas.

### **15. (For Possible Action) Discussion and Possible Action to Create a Psychological Assistant (Post-Doctoral) License**

President Owens presented this item, which was previously discussed several months ago. Currently, post-doctoral students are unable to seek commercial insurance reimbursement for their services. This creates a limitation and reduces the number of individuals available to provide mental health care. Licensing these individuals could help eradicate some of those concerns.

It was suggested that individual Board members could check with their insurance companies and Executive Director Scurry will research the way Social Workers in Nevada gain licensure at that level.

Member Dr. Holland stated that Medicaid allows for reimbursement for psychological interns and assistants who are part of group that is a Medicaid provider. She added that she believed that Social Workers are able to bill insurance separately from their supervisors.

Member McCoy spoke of her experience as a Social Worker. After completing the Master's Degree, there is an exam to apply to be a clinical intern of social work. There are 3,200 hours to complete plus supervision hours. Then there is another clinical exam to be clinically licensed. While an intern they can bill Medicaid but must be under

a clinical supervisor who is licensed. She did not believe they were able to bill commercial insurance.

**16. (For Possible Action) Discussion and Possible Action to Approve Revisions to the Supervised Practice Plan Form for Psychological Intern Candidates to Align to NAC 641.1519, Qualifications of Supervisor**

Lisa Scurry, Executive Director, presented proposed changes to the to the Supervised Practice Plan Form for Psychological Intern Candidates to Align to Nevada Administrative Code (NAC) 641.1519, Qualifications of Supervisor. NAC 641.1519 was revised in 2019 but the form was not updated.

Changes to the form included removal of language that the supervisor must be licensed for 3 years; addition of an area for information about the qualifications of the secondary supervisor; and change of the term "wages" to "stipend."

**On motion by Soseh Esmaeili, second by Monique McCoy, the Nevada State Board of Psychological Examiners approved changes to the Supervised Practice Plan form for Psychological Intern candidates to align to NAC 641.1519, Qualifications of Supervisor.** (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**

Lisa Scurry, Executive Director, informed the Board that Senate Bill 376 appeared on the verge of adoption. It will require continuing education credits in cultural competency.

**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.**

President Owens described the process for moving the Board's Bill, Assembly Bill 366, forward toward adoption. In the Assembly, there was little discussion. On the Senate side, however, there were many questions regarding putting standards in place related to how records are used, destroyed, etc. Some revised language will be provided and the bill is expected to move toward adoption.

**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.**

Ms. Scurry updated the Board on the status of Senate Bill 44. That bill would revise the process for applications for licensure by endorsement, including issuance of a provisional license pending completion of the licensure requirements. Several changes were proposed over the past weeks, but the bill seemed to be getting back to the original intent. It was scheduled to be heard in committee later that day.

**18. (For Possible Action) Discussion and Possible Action to Remove Language Related to Behavior Analysts from Nevada Administrative Code Chapter 641 and to Direct Scheduling of a Public Workshop on the Same**

Lisa Scurry, Executive Director, presented a proposal to schedule a workshop to discuss removal of all references to behavior analysts in Chapter 641 of Nevada Administrative Code. She added that the behavior analysts have their own chapter in NRS and NAC. Any language still in Chapter 641 could potentially create a conflict.

**On motion by Soseh Esmaeili, second by John Krogh, the Nevada State Board of Psychological Examiners directed the executive director to schedule a public workshop for the purpose of considering changes to NAC Chapter 641 to remove language related to behavioral analysts.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard)  
Motion Carries: 6-0

**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, provided an update on the federal case where a licensee has sued the Board and the former executive director. The case is currently in the process of discovery and production of documents. The plaintiff is representing herself in the matter.

Mr. Ward added that another matter has arisen that could create a conflict for him as legal counsel. He offered to conduct a legal meeting, under the provisions of NRS 641.015, following the Board meeting.

**20. (For Possible Action) Discussion and Possible Action to Review, Make Adjustments to and/or Approve the Performance Evaluation of Executive Director Lisa Scurry**

President Owens presented the draft of the performance evaluation of Executive Director Lisa Scurry. The overall finding of the evaluation was Above Average. President Owens stated that there were several individual findings of Average but



added that those were generally a result of it being Ms. Scurry's first year in the position and there being a steep learning curve.

Member Dr. Woodard stated that Ms. Scurry began under chaotic conditions but has worked to create structure where there was none before. This was reflected in the way Board meetings are organized, as well as the work with the ATEAM Committee.

President Owens made comment that the evaluation calls for consideration next year of including health benefits as part of salary package. She added that, based on the evaluation rating, the Board's policy would call for at least a 2% raise for the upcoming fiscal year.

There were no questions or comments by the Board members or Director Scurry.

**On motion by Stephanie Woodard, second by John Krogh, the Nevada State Board of Psychological Examiners approved the performance evaluation of Executive Director Lisa Scurry as presented with an overall rating of Above Average.** (Yea: Whitney Owens, John Krogh, Monique McCoy, Soseh Esmaili, Stephanie Holland, and Stephanie Woodard) Motion Carries: 6-0

**21. (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, June 11, 2021 at 8:30 a.m.

President Owens inquired if, given the changes related to physical distancing, there should be a physical location provided for future Board meetings? She added that the online format has made it easier for both Board member and the public to attend.

Member Dr. Krogh agreed that using the Zoom application is convenient. He added that the Board office should be the physical location and that hearings should be in person.

President Owens stated that for the June meeting, the Board will be noted as the physical location and the meeting will be conducted via Zoom. Mr. Ward confirmed there were no hearings scheduled for that meeting.

**22. Requests For Future Board Meeting Agenda Items (No Discussion Among the Members Will Take Place on this Item)**

Member Dr. Woodard requested discussion related to timelines for registration and accrual of hours for psychological assistants.

At President Owen's earlier suggestion, Ms. Scurry stated that a future item will be review of the 3-year licensure requirement for supervisors of psychological assistants.

President Owens asked that election of officers on the Board be placed on the June agenda.

### **23. Public Comment**

Member Dr. John Krogh informed the Board that he will not be renewing for a 2<sup>nd</sup> term on the Board. He expressed his appreciation for being on the Board and for the work done by the Board.

Dr. James Tenney thanked the Board for the guidance provided during the COVID pandemic. He added his appreciation for the use of Zoom for meetings.

### **24. Adjournment**

There being no further business before the Board, President Owens adjourned the meeting at 11:26 a.m.