

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

December 10, 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 Stephanie Woodard, Psy.D., and members Monique Abarca, LCSW, Stephanie Holland, PsyD, and Soseh Esmaeili, PsyD, were present.

Also present were Sophia Long, Board counsel and Senior Deputy Attorney General, Dr. Gary Lenkeit, Board Investigator, Lisa Scurry, Executive Director, Neena Laxalt, Board Lobbyist, and members of the public: Dr. Sara Hunt, Kay See, David Hines, and Dr. Retha.

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 Action to Accept the Annual Financial Audit for Fiscal Year 2021 (July 1, 2020 through June 30, 2021) as Prepared by Campbell Jones Cohen CPAs and in Accordance with NRS 218G.400.

Kay See and David Hines of Campbell Jones Cohen CPAs presented the results of the annual external audit of Fiscal Year 2021 (July 30, 2020 through June 20, 2021). The audit consisted of a review of the bank financial statements, deferred revenues, payroll, and expenses. The financial statements showed a net positive in the balance sheet for revenue.

The issued audit opinion indicated that the financials were free of any material misstatements and was materially correct. The audit described two findings related to internal controls. Both findings were noted as being minor in nature.

The first related to the way in which deferred revenues were reported within the accounting software. In the future, deferred revenues (revenues for renewals, licensures and registrations) will be indicated as income on January 1 of each year.

The second finding related to the way in which the PERS payments are reported in the accounting software. As PERS is an ongoing expense, it is recorded as a liability for future costs and an expense once paid. Staff was not removing the liability which resulted in the financials indicating a duplicate expense. For both findings, staff will take steps to correct the bookkeeping procedures.

There were no questions or comments on the audit from the Board.

On motion by Soseh Esmaeili, second by Stephanie Woodard, the Board of Psychological Examiners accepted the Annual Financial Audit for Fiscal Year 2021 (July 1, 2020 through June 30, 2021) as Prepared by Campbell Jones Cohen CPAs and in Accordance with NRS 218G.400. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

4. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on November 12, 2021.

The minutes of the regular meeting of the Board of Psychological Examiners from November 12, 2021, were reviewed by the Board. There were no questions, comments nor suggested changes.

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on November 12, 2021. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

5. Financial Report

- A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2022 (July 1, 2021, Through June 30, 2022).

Secretary/Treasurer Stephanie Woodard presented the financial report. She explained that based on the findings of the external audit, the budget-to-actual report will be adjusted for the January 2022 Board meeting.

Dr. Woodard provided an explanation for any revenue or expense items that were larger than 40% of their budgeted amount as 5 months of the fiscal year were completed. To date, approximately 57% of the expected annual revenues had been collected.

Budget policies related to internal controls will be drafted for review and adoption of the Board prior to the start of the new fiscal year.

Director Scurry explained, based on a finding from the external audit, that the financials have been listing the PERS (retirement) payment twice. She explained that, although

the payments made to the State have been correct, the accounting software had been recording the amount paid twice - as both an expense and a liability. In the future, once the monthly payment is made, the liability will be removed from the financial reports. In that way, the amount paid will be recorded one time and will be reflected accurately.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the treasurer's report for fiscal year 2022. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

6. Board Needs and Operations

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

Sara Hunt, Nevada Psychological Association, provided an update on the activities of the NPA. The 2022 Continuing Education calendar is nearly finalized. She added that the calendar will include opportunities for ethics and suicide prevention trainings will be available in Reno and Southern Nevada.

The NPA's annual conference will be held in Reno on Friday, April 22, 2022.

B. Report From the Executive Director on Board Office Operations

Lisa Scurry, Executive Director, presented the Board members with a report of the activities of the Board office. Information provided included statistics for the numbers of applications received and licenses and registrations processed in the past month. Also reviewed were the number of continuing education applications that were reviewed and the number of temporary registrations provided to allow for practice via telehealth as a result of the Governor's Directive 011.

7. (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 Options for Temporary Licensure to Ensure Continuity of Care for Patients Being Seen by Out-Of-State Providers when the Provisions of Directive 011 Expire, Licensure Renewal, Continuing Education Credits, Supervision Concerns, Obtaining Clinical Hours for Licensure, and the Use of Telepsychology and Interjurisdictional Practice.

Member Dr. Woodard provided an update on Directive 011 from the perspective of the Department of Health and Human Services. That directive has allowed, under the state of emergency related to Covid-19, for the registration of psychologists licensed in another state to practice psychology via telehealth on a temporary basis. Although there was no update on the status of the directive, she stated that a survey related to workforce development, the numbers of temporary registrations requested/provided,

and the reason for those requests is currently being reviewed by the Governor's Office. The survey was expected to be distributed in the near future.

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

Sophia Long, Senior Deputy Attorney General, provided an update on pending consumer complaints on behalf of Deputy Attorney General, Harry Ward.

- A. Complaint #19-0626. This matter is in litigation and depositions are expected in January / February of 2022.
- B. Complaint #19-0709. This matter is in litigation and depositions are expected in January / February of 2022.
- C. Complaint #19-1106. This matter is currently pending and being monitored. It is expected to be closed in January of 2022.
- D. Complaint #19-1223. This matter is currently pending and being monitored. It is expected to be closed in January of 2022.
- E. Complaint #20-0501. There was no update. The matter remained pending.
- F. Complaint #20-0818. There was no update. The matter remained pending.
- G. Complaint #20-0819. There was no update. The matter remained pending.
- H. Complaint #21-0524. There was no update. The matter remained pending.
- I. Complaint #21-0726. There was no update. The matter remained pending.
- J. Complaint #21-0810. There was no update. The matter remained pending.
- K. Complaint #21-0816. There was no update. The matter remained pending.

9. (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

The following applicants for licensure were considered, contingent upon satisfactory completion of all licensure requirements: Cheryl Chakranarayan, Alberto Ibarra, Sarah Ramos, and Deepti Vaswani.

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of all licensure requirements: Cheryl Chakranarayan, Alberto Ibarra, Sarah Ramos, and Deepti Vaswani. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

A. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License for Dr. William Follette

Dr. William Follette originally applied for reactivation of his license at the November Board meeting. At the time, he was lacking one of the required continuing education ethics credits. Since that time, he has submitted the required credits and was found to meet the requirements for reactivation of his license.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application for reactivation of the license of Dr. William Follette. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License for Dr. Ayako Sakuragi

Dr. Ayako Sakuragi submitted an application to reactivate her license. She provided proof of the required continuing education credits and was found to meet the requirements for reactivation of her license.

Member Dr. Holland stated she would recuse from the vote as she formerly worked with Dr. Sakuragi.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the application for reactivation of the license of Dr. Ayako Sakuragi. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Woodard, and Monique Abarca. Abstain: Stephanie Holland) Motion Carries: 4-0

C. (For Possible Action) Discussion and Possible Action to Approve a one-year extension of the registration of Carolina Morales-Alicea until January 2, 2023

Dr. Carolina Morales-Alicea submitted a request for a one-year extension of her registration until January 2, 2023 to allow her to complete the exams needed for licensure. Director Scurry explained that Dr. Morales-Alicea was originally registered as of January 1, 2018. To date, she had passed the state exam and needed to take and pass the national exams (EPPP Parts 1 and 2).

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved a one-year extension of the registration of Carolina Morales-Alicea until January 2, 2023. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

10. (For Possible Action) Discussion and Possible Action to Approve the Supervision of Practicum Students from Institutions Outside of Nevada

An educational institution from New York requested their practicum students be allowed to do telehealth work in Nevada. Given the shortage of practitioners in Nevada, Dr. Owens felt it was worthy of a discussion by the Board. She reminded the members that practicum students are not required to register with the Board.

Member Dr. Woodard asked if the supervisor would also be located in New York and, if so, would there be a requirement that the supervisor familiarize themselves with the laws of Nevada? There was discussion about what that would include – registration by the supervisor under Directive 011 (related to the COVID state of emergency), passing the Nevada state exam, etc. It was also asked if the purpose of allowing this practice would be to alleviate concerns due to the pandemic or if it was related to workforce development.

Member Dr. Holland stated that, minimally, the supervisor needs to be aware of Nevada regulations but suggested they should take the Nevada exam. She added that the Board does not register practicum students but asked if that would change for out-of-state practicum students.

Member Dr. Esmaeili commented that supervisors of practicum students seeing patients in Nevada should be licensed in Nevada.

President Owens responded that there would be a supervisor in Nevada who would be responsible for patient care. She added that the Board currently requires supervisors in the university setting to be licensed. Rather than being fully licensed, she asked if registration under Directive 011 would be sufficient.

There was discussion about the ability of supervisees to work in Nevada under the Directive. Director Scurry explained that the Board office does not register supervisees from other states but does register licensed psychologists who may be supervising a student who is seeing a patient in Nevada. That has generally been the case when a patient from another state travels to Nevada on a temporary basis. Under this proposal, though, the patient would likely be a permanent resident of Nevada.

Dr. Woodard clarified that under this proposal, a practicum student would have two supervisors – one would be at the university, and one would be a licensed psychologist in the state of Nevada. She asked if it would ever be the case that an out-of-state practicum student would see a Nevada patient without oversight of a Nevada licensed psychologist.

President Owens agreed and added that, from a public protection standpoint, there should be direct oversight of patient care by a Nevada licensed psychologist.

Dr. Lenkeit, Board investigator, agreed that the supervisor should be licensed in Nevada. Otherwise, he stated, the lowest level of provider could be seeing patients in

Nevada with no oversight. He added that any psychologist from another state, not just at universities, could use practicum students to see patients in Nevada.

President Owens suggested continuing the discussion at a future meeting.

11. (For Possible Action) Discussion and Possible Action to Adopt Revisions to the Licensure by Endorsement Policy and Procedures

Lisa Scurry, Executive Director, presented changes to the adopted policy and procedures for licensure by endorsement. She explained that the document was revised by the ATEAM Committee and a recommendation made that it be forwarded to the full Board for consideration of adoption.

The revisions presented included:

- Clarification of application requirements, including the different review processes when an applicant is from a state whose licensure requirements are “substantially similar,” “substantially equivalent,” and “not substantially equivalent” to those in Nevada.
- Addition of language related to an applicant that does not hold an active license.
- Addition of language related to applicants who hold a license outside of the United States and its territories.
- Additional of language that the policy will be reviewed annually, particularly to ensure that states have not changed their licensure requirements.

The policy clarifies which applicants will be referred to the ATEAM Committee for review and which applicants the Board office can process without further review. That includes applicants that may qualify for licensure under NAC 641.080. That regulation allows for a reduction in training hours for those applicants who have been licensed for 5 or more years in another jurisdiction.

There was discussion about the three categories of state requirements - “substantially similar,” “substantially equivalent,” and “not substantially equivalent” – and the differences between them.

Dr. Lenkeit asked for clarification about Canadian applicants. Ms. Scurry explained that the Board previously took action to accept accreditation by the Canadian Psychological Association (CPA). That provision was included in the policy.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners adopted revisions to the Licensure by Endorsement policy. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

12. (For Possible Action) Discussion and Possible Action to Revise the Provisions of Nevada Administrative Code (NAC) 641.158, Limitations on Number of Assistants, Interns, and Supervisors

Lisa Scurry, Executive Director, explained that this item is part of the Board's Strategic Plan and will be considered over the next few meetings. It deals with the review of the regulation related to limitations on the number of psychological assistants, interns and/or trainees a supervisor may have. Ms. Scurry stated her belief that, as written, the regulation is confusing in its intent.

There was discussion about the appropriate number of supervisees per supervisor and in what combination of psychological assistants, interns, and trainees.

Member Dr. Holland and Dr. Lenkeit, Board investigator, took the lead on researching and developing and proposed revision to the current NAC.

The item will return at the next meeting of the Board for additional discussion.

13. (For Possible Action) Discussion and Possible Action to Revise the Provisions of Nevada Administrative Code (NAC) 641.1515, Psychological Interns: Registration, including a proposal to require registration of certain psychological interns

Lisa Scurry, Executive Director, explained that revision of the rules for the registration of psychological interns was added to the adopted Strategic Plan with Member Dr. Holland taking the lead. Currently, psychological interns may register with the Board but are not mandated to do so.

The issues being considered included whether a change to Nevada Revised Statutes would be necessary, or just a change to Nevada Administrative Code (NAC). Secondly, the Board will consider if a registration mandate would continue to exempt interns from federally regulated internship programs.

There was no discussion and the item will return to a future meeting.

14. Legislative Update

A. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, During the 2023 Session of the Nevada State Legislature

President Owens informed the Board members that meetings with staff of the Nevada Department of Corrections are ongoing related to a potential change to NRS related to licensure of psychologists. An update will be presented at the January 2022 meeting.

15. (For Possible Action) Discussion and Possible Action on Regulations Proposing Changes to Nevada Administrative Code (NAC) Chapter 641 in Accordance with Nevada Revised Statutes (NRS) Chapter 233B

Lisa Scurry, Executive Director, provided an update on the status of the regulations listed below.

A. R057-19: Fees. This regulation was scheduled to be considered for adoption by the Legislative Commission at their mid-December meeting.

B. R058-19: Endorsement Language

Director Scurry explained that Regulation R058-19 would place procedures related to licensure by endorsement into the Nevada Administrative Code. The regulation, as written, lists the U.S. states and territories as defined by their licensure requirements. She suggested that including the names of the states in the NAC could cause problems in the future if a state changes their licensure requirements.

Instead, Ms. Scurry suggested removing the names of the states adding that the Board will review and classify the individual states based on their licensure requirements and how they compare to those in Nevada.

Ms. Scurry added that she did not believe a new regulation hearing would be necessary and that, if the changes are approved by the Board, they will be submitted to Legislative Counsel Bureau for possible adoption.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners revised Regulation R058-19 with the change. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

C. R114-19: Foreign Graduates. This regulation was scheduled to be considered for adoption by the Legislative Commission at their mid-December meeting.

D. R115-19: Supervision, payment of psychological assistant, Closure of a Practice. This regulation is expected to be heard by the Legislative Commission in early 2022.

E. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting. This regulation is expected to be heard by the Legislative Commission in early 2022.

F. R174-20: Code of Conduct. This regulation is expected to be heard by the Legislative Commission in early 2022.

G. R175-20: Removal of "Moral." This regulation is pending a hearing once the draft is received from the Legislative Counsel Bureau.

H. Removal of "Behavior Analyst" This regulation is pending a hearing once the draft is received from the Legislative Counsel Bureau.

I. Regulations related to Assembly Bill 327. This regulation is pending a hearing once the draft is received from the Legislative Counsel Bureau.

Neena Laxalt, Board Lobbyist, provided an update on the status of the provisions of Assembly Bill 327 (2021) regarding changes to continuing education requirements. That bill mandates at least 2 hours of continuing education in the area of diversity and cultural competency. Ms. Laxalt checked with other Boards to see what process they were using to assist their licensees in complying with the new requirement.

President Owens asked if there has been discussion about whether continuing education must include one or more of the populations as defined in the Bill or if all of the listed populations must be discussed in order to meet the requirement.

J. Regulations related to Assembly Bill 366. This regulation is pending a hearing once the draft is received from the Legislative Counsel Bureau.

K. Regulations related to Senate Bill 44. This regulation is pending a hearing once the draft is received from the Legislative Counsel Bureau.

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

Sophia Long, Senior Deputy Attorney General, provided an update on behalf of Harry Ward, Deputy Attorney General. She stated that the discovery phase is ongoing with production of documents and interrogatories in this matter.

17. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, January 14, 2022, at 8:30 a.m.

There were no suggested changes to the meeting schedule.

18. 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.

19. Public Comment

There was no public comment at this time.

20. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 10:51 a.m.
