

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

January 14, 2022

At the opening of the meeting, Lisa Scurry, Executive Director, stated for the record that although the day's meeting agenda was sent to the members of the Board and the mailing list of people who have requested the agendas on Monday afternoon (January 10, 2022), a problem with the website prevented the agenda from being posted there in advance of the 9 a.m. deadline on Tuesday, January 11, 2022. After working with the State's Information Technology Department, the error was corrected and the agenda posted by mid-morning that same day. Pursuant to NRS 241.020, provision (4)(b) makes an exception to the posting deadline when a public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

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 8:32 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, and Stephanie Holland, PsyD, were present. Member Soseh Esmaeili, PsyD, was absent.

Also present were Harry Ward, Board counsel and Deputy Attorney General, Dr. Gary Lenkeit, Board Investigator, Lisa Scurry, Executive Director, and members of the public: Danielle Agnello, Brian Lech, Richard Schonfeld, Gregory Brent Dennis, and James Tenney.

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 Regular Meeting of the State of Nevada Board of Psychological Examiners on December 10, 2021.

The minutes of the regular meeting of the Board of Psychological Examiners from December 10, 2021, were reviewed by the Board. There were no questions, comments nor suggested changes.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on December 10, 2021. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 4-0

4. 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 the budget-to-actual report format was revised based on recommendations from the annual audit. The audit recommended that deferred revenues (monies collected through new licensure, licensure renewal, and registrations) be accounted for annually. Staff has determined that posting deferred revenues every six months will provide greater accuracy. This process will provide for a more accurate accounting of finances and accounts for monies that should be held for the next fiscal year.

Director Scurry provided details relating to the deferred fees and the process that will be used to construct future budgets based on auditor recommendations.

On motion by Monique Abarca, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the treasurer's report for fiscal year 2022. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 4-0

B. (For Possible Action) Possible Action to Approve an Expenditure to the PsyPact Commission in the Amount of \$910. This expense is in accordance with ASPPB PsyPact Rule 10.2(A), "Compact States will be charged an assessment of \$10 per Authorization Holder licensed in their Home State per fiscal year..."

Director Scurry explained that the agreement with the Association of State and Provincial Psychology Boards (ASPPB) includes an annual fee related to PsyPact. She requested an allocation in the amount of \$910 to the PsyPact Commission for the annual PsyPact assessment. The amount reflected the fee of \$10 for each Nevada licensee who holds a PsyPact certificate. This was the first year the fee had been assessed.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved an expenditure in the amount of \$910 to the PsyPact Commission for the annual PsyPact assessment. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 4-0

5. Board Needs and Operations

- A. Update and Report from the Nevada Psychological Association

There was no report from the Nevada Psychological Association.

- B. Report From the Executive Director on Board Office Operations, to include presentation of the revised License Reactivation Application

Lisa Scurry, Executive Director, presented changes to the License Reactivation Application form. She explained that members of the Board's ATEAM Committee previously suggested that the application include a section to indicate the applicant's intent once licensure was activated. The form also incorporates pages for the applicant to list the continuing education taken as part of the reactivation.

Member Dr. Woodard asked if the new continuing education requirements will be added to the form. Ms. Scurry stated that the requirement is for the next renewal period and will be added at the end of 2022 for those seeking reactivation during the next renewal period (2023-2024).

There were no questions and no action was necessary.

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 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.

There was no discussion at this time.

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

There was no discussion at this time.

- A. Complaint #19-0626
- B. Complaint #19-0709
- C. Complaint #19-1106
- D. Complaint #19-1223
- E. Complaint #20-0501
- F. Complaint #20-0818
- G. Complaint #20-0819
- H. Complaint #21-0524

- I. Complaint #21-0726
- J. Complaint #21-0810
- K. Complaint #21-0816

- 8.** (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. *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.*

(This item was taken out of order.)

President Owens provided the following names for approval of licensure, contingent upon satisfactory completion of all licensure requirements: Danielle Nishida, Ana Ochoa, Jodi Palensky, Leland Reback, Brooke Schauder, and David Shoup.

On motion by Monique Abarca, second by Stephanie Woodard, the Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of all licensure requirements: Danielle Nishida, Ana Ochoa, Jodi Palensky, Leland Reback, Brooke Schauder, and David Shoup. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 4-0

A. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. Danielle Agnello to take the EPPP Part-1 a 4th time in Accordance with NAC 641.120

(This item was taken out of order.)

Dr. Danielle Agnello applied to the Board for permission to take the EPPP Part-1 a 4th time, in accordance with the requirements of Nevada Administrative Code 641.120. She submitted a study plan as part of her application and stated she would make any adjustments recommended by the Board. She planned to take the exam in the spring.

Dr. Agnello previously took and passed the state exam; and applied for licensure in 2021, prior to the implementation of the EPPP Part-2 as a requirement for licensure. As a result, once the EPPP Part-1 is passed, Dr. Agnello would be eligible for licensure.

President Owens asked for clarification about the tutoring Dr. Agnello was receiving. Dr. Agnello stated the sessions would be one hour each week through an online agency. Additionally, she would be taking the practice test.

President Owens stated that the purpose of the study plan and application was to provide applicants the best chance of success in passing the exam and becoming licensed.

On motion by Stephanie Woodard, second by Monique Abarca, the Board of Psychological Examiners approved the study plan request of Dr. Danielle Agnello to take the EPPP Part-1 a 4th time. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 4-0

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

There was no discussion at this time.

10. (For Possible Action) Discussion and Possible Action to Create a Master's Degree Level License

There was no discussion at this time.

11. (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

There was no discussion at this time.

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

There was no discussion at this time.

13. 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

There was no discussion at this time.

- B. Update from Board Lobbyist

There was no discussion at this time.

14. (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

There was no discussion at this time.

- A. R057-19: Fees
- B. R114-19: Foreign Graduates
- C. R058-19: Endorsement Language
- D. R115-19: Supervision, payment of psychological assistant, Closure of a Practice
- E. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.
- F. R174-20: Code of Conduct
- G. R175-20: Removal of "Moral"
- H. R122-21: Removal of "Behavior Analyst" ...
- I. R127-21: Regulations related to Assembly Bill 327
- J. R128-21: Regulations related to Assembly Bill 366
- K. R121-21: Regulations related to Senate Bill 44

15. (For Possible Action) Discussion and Possible Action to Revoke the License of G. Brent Dennis, Ph.D., License Number PY0312

(This item was taken out of order.)

Dr. Gary Lenkeit, Board Investigator, provided a summary of the proposal to revoke the license of Dr. Gregory Brent Dennis. In 2016, there were two complaints filed against Dr. Dennis related to allegations of substance abuse. Dr. Dennis' license was suspended when he was arrested in another matter in early 2017. In July 2017, the Board and Dr. Dennis entered into an agreement where his license was suspended for six months, provided he met certain conditions. Dr. Dennis did not renew his license as of December 31, 2020, and it was placed on inactive status.

On January 4, 2022, Dr. Dennis entered an Alford plea of guilty on a charge of voluntary manslaughter in the death of his wife. In accordance with Nevada Revised Statutes (NRS) 641.230(1)(b), the Board may suspend or revoke a license if the person has been convicted of a crime that reflects an inability of the person to practice psychology. As a result of the plea in a felony charge, it was recommended that the Board revoke his license.

For clarification, Dr. Lenkeit stated there were two typos in his submitted report. The first referenced the charge as involuntary manslaughter when it was actually voluntary manslaughter. The second stated the date of the plea was January 4, 2021, but it was actually January 4, 2022.

Mr. Ward stated that by statute, the Board is authorized to take action on the item. He added that the Board did not have to conduct a hearing in order to take action but that public comment could be taken, including from Dr. Dennis' attorney.

Member Dr. Holland asked if revocation of the license was the only option at this time or if voluntary termination of the license could be considered. Dr. Lenkeit responded that a voluntary termination of the license would not be reported to the national disciplinary database of the Association of State and Provincial Psychology Boards (ASPPB).

Mr. Richard Schonfeld, Dr. Dennis' attorney, provided public comment. He stated that he and his client received notice of the Board meeting but that the notice indicated the license would be considered for suspension, not revocation. Additionally, he informed the Board that while Dr. Dennis has entered an Alford plea, he has not been sentenced. Therefore, it would be premature for the Board to revoke his license as NRS 641.230(1)(b) references conviction of a crime. He suggested the Board wait until sentencing is completed before taking action to revoke the license as the court could still reject the Alford plea. He proposed leaving the license as inactive and bring the item back following sentencing. He added that the law does allow for a summary suspension of the license that the Board President can enact without formal Board action.

President Owens asked what would prevent Dr. Dennis from applying for licensure in another state and if there were any procedures in place to prevent that.

Dr. Lenkeit made comment regarding Mr. Schonfeld's assertion that there is currently no active complaint against Dr. Dennis. He stated that the two 2016 complaints are technically still open. At the time of the hearing in 2017, he was placed under supervision for up to seven years and the complaints were not closed.

In response to President Owens' question, Director Scurry stated that an application for licensure generally includes verification of licensure in other states. At that time, the jurisdiction in which he was applying would be notified that the license had been previously suspended. Due to the media coverage, they would likely become aware of the current situation. She added that issuing a summary suspension would allow her to report the issue to the national database.

Mr. Ward recommend President Owens issue a summary suspension of the license. He added that a voluntary surrender of the license would generally be entered into after negotiation.

President Owens stated she would work with Director Scurry and Mr. Ward to issue the summary suspension. The item will return following formal sentencing.

- 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.

There was no discussion at this time.

- 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, February 4, 2022, at 8:30 a.m.

- 18.** Requests for Future Board Meeting Agenda Items (No Discussion Among the Members will Take Place on this Item)

- 19.** Public Comment

There was no public

- 20.** (For Possible Action) Adjournment

There being no more business, President Owens adjourned the meeting at 9:15 a.m.
