

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

March 4, 2022

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 8:31 a.m. online via "zoom" and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502.

Roll Call: Board President Whitney Owens, PsyD, Secretary/Treasurer Stephanie Woodard, Psy.D., and members Monique Abarca, LCSW, Soseh Esmaeili, PsyD, and Stephanie Holland, PsyD, were present.

Also present were Harry Ward, Board counsel and Deputy Attorney General, Dr. Gary Lenkeit, Board Investigator, Sheila Young, Board Investigator, Neena Laxalt, Board Lobbyist, Lisa Scurry, Executive Director, and members of the public: Sara Hunt, Danielle Nishida, Donald Hoier, Amanda DeVillez, James Tenney, and Michelle Zochowski

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) Workshop to Solicit Comments on Proposed Regulations (See Attachment A); and Possible Action to Forward the Proposed Regulation to a Public Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B

President Owens convened the workshop to solicit comment on proposed regulations at 8:51 a.m. There was no public comment submitted at that time.

A. Introduction of language setting forth standards and requirements for licensure by endorsement (Previously known as R058-19)

Lisa Scurry, Executive Director, explained that the regulation was originally created in 2019 to implement procedures for applications for licensure by endorsement. The regulation was written to designate each state, territory, and the District of Columbia as being substantially similar, substantially equivalent, or not substantially equivalent for the purposes of determining if an applicant met the requirements for licensure in Nevada.

After going through both a workshop and public hearing, it was discovered that the regulation was missing the names of three states. As a result, adoption was delayed. During that delay, the regulation was further discussed during a meeting of the Board when including the names of the states was questioned. At that time, it was suggested that listing the names of the states could be a problem in the future if a state changed its requirements. In that case, the process of revising a regulation would have to be followed. Instead, it was suggested that the names of the state be withheld and listed in a Board approved procedure instead.

After discussion with the Legislative Counsel Bureau, it was decided that the regulation, in its new form, should have a new workshop and hearing.

After review of the proposed language of the regulation, it was decided that sections 2 and 3, dealing with substantially similar and substantially equivalent jurisdictions, be merged. Ms. Scurry explained that applicants are reviewed to ensure they meet requirements and, if there is a concern, the application is referred to the Board's Application Tracking Equivalency and Mobility (ATEAM) Committee. Additionally, the Board previously adopted procedures for the review of applications by endorsement. It is in that procedure that the list of states will appear.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners forwarded the draft regulation, with the suggested changes, to a Hearing as part of a future meeting of the Board in accordance with NRS 233B. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 5-0

There was no public comment provided. President Owens closed the public workshop at 9:18 a.m. and reconvened the regular meeting.

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 February 4, 2022.

The minutes of the regular meeting of the Board of Psychological Examiners from February 4, 2022, were reviewed by the Board. There were no questions, comments nor suggested changes.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on February 4, 2022. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 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).

Lisa Scurry, Executive Director, provided the monthly financial report. She explained there were no unexpected revenues or expenses during the previous month.

Secretary Treasurer Woodard added that she, Ms. Scurry, and the Board's bookkeeper are working on the next year's projections. The April financial report will include an expanded explanation of the budgeting process and the beginning of discussion regarding the Fiscal Year 2023 budget.

On motion by Stephanie Holland, second by Soseh Esmaili, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2022. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaili, and Stephanie Woodard) Motion Carried: 5-0

B. (For Possible Action) Discussion and Possible Action to Expend \$2,210 for payment of the 2022 Member Board Dues to the Association of State and Provincial Psychology Boards (ASPPB)

Lisa Scurry, Executive Director, presented the annual invoice from ASPPB in the amount of \$2,210. The invoice covers the 2022 member dues and was budgeted. Ms. Scurry explained that the dues are based on the number of licensees in Nevada at beginning of February 2022. Through membership with ASPPB, the Board has access to the online PLUS application process, national examinations, and other resources.

On motion by Stephanie Woodard, second by Soseh Esmaili, the Nevada State Board of Psychological Examiners approved an expenditure in the amount of \$2,210 for payment of the 2022 ASPPB Member Board Dues. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaili, and Stephanie Woodard) Motion Carried: 5-0

C. (For Possible Action) Discussion and Possible Action to Approve Registration and Travel Expenses, including hotel, airfare, and per diem costs, to the Mid-Year Meeting of the Association of State and Provincial Psychology Boards for President Whitney Owens, Investigator Dr. Sheila Young and/or Investigator Dr. Gary Lenkeit in the amount of not more than \$2,000 each. The Annual Mid-Year meeting will be held in New Orleans, Louisiana on April 21-24.

President Owens explained that at the last meeting, the Board approved the expenditure of up to \$1,250 for travel costs of up to 4 Board members or staff to attend the ASPPB mid-year meeting. That meeting will be held in New Orleans on April 21-24, 2022. President Owens, Dr. Lenkeit and Dr. Young have expressed an interest in attending.

Dr. Woodard and Dr. Holland indicated they would attend if either/both were needed to speak during any of the panel discussions. Ms. Scurry responded that neither had been selected as of the last time she checked with ASPPB.

Based on the estimated costs for hotel, flights, event registration, and per diem, the estimated cost for Dr. Owens would be \$1,650 and for Dr. Lenkeit and Dr. Young the estimated cost would be \$1,925 each.

This item was tabled until after discussion of items 19-21.

Following discussion of Director Scurry's retirement and retention in a part-time capacity, President Owens suggested that Director Scurry be registered for the conference as she would be staying with the Board for the next few months. Dr. Woodard agreed.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved an expenditure of not more than \$7,100 in travel costs and registration for Whitney Owens, Gary Lenkeit, Sheila Young, and Lisa Scurry to attend the Midyear Meeting of the Association of State and Provincial Psychological Boards in New Orleans, Louisiana on April 21-24, 2022. (Yea: Whitney Owens, Stephanie Holland, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

6. Board Needs and Operations

A. Report from the Nevada Psychological Association (NPA)

Dr. Sara Hunt, Current Past President of the NPA, presented a report of the activities of NPA. That included elections for their executive board, the annual meeting, and upcoming continuing education courses. The NPA is also seeking nominations for their annual awards.

B. Report and Discussion on the Status of PsyPact

Dr. Gary Lenkeit, Nevada PsyPact Commissioner, provided an update on the work of the PsyPact Commission. Currently, there are 27 member states and the District of Columbia, and active legislation in 6-7 additional states to join PsyPact. Dr. Lenkeit reviewed some of the issues discussed recently by the PsyPact Commission. They included the requirement that a psychologist must have graduate from an APA-accredited program to be a PsyPact member; and the definition of scope of practice for holders of PsyPact. ASPPB has not defined the scope of practice.

Dr. Woodard inquired about the fees being charged to states for the individual membership of psychologists in PsyPact. She also asked about the budget implications to the Board when individuals belong to PsyPact versus becoming licensed in Nevada.

Dr. Lenkeit stated that the discussion about fees centered on how ASPPB can assess psychologists versus assessing the states for the membership fees. As to the financial impact to states for PsyPact versus full licensure, he stated that it was likely too soon to know. The impact will be determined by the number of psychologists that forego becoming licensed in Nevada or renewing that license if they can gain access through the PsyPact membership.

Ms. Scurry suggested that the Board's fees may need to be adjusted to assess the Nevada licensee who is a member of PsyPact the \$10 annual PsyPact fee. She added that a change to the current regulations would need to be made in the next few months in order for it to be assessed during licensure renewal at the end of 2022.

C. Report From the Executive Director on Board Office Operations

Lisa Scurry, Executive Director, presented some statistical information on Board office operations including the number of applications received and licenses issued in the past month. Additionally, she informed the Board that the final two provisional licensees had passed the EPPP Part-2 and are no longer required to work under supervision.

- 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 explained that Governor Sisolak may end the emergency order soon. As a result, she suggested the Board develop a transition plan. Those who are currently registered under Directive 011 would be notified they needed to seek alternatives such as formal licensure, become registered under PsyPact, etc.

Director Scurry stated that for the past several months all applicants under the Directive were provided information on how to apply for licensure.

President Owens asked the members if there should be a grace period allowing them to continue practicing under temporary registration pending completion of the licensure process. Dr. Woodard added that the major concern is around continuity of care and that little information has been provided at the state level as to the potential end date.

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

Harry Ward, Deputy Attorney General, provided a status update on the complaints listed below.

- A. **Complaint #19-0626.** There was no update on this matter.
- B. **Complaint #19-0709.** There was no update on this matter.
- C. **Complaint #19-1106.** The matter is being monitored.
- D. **Complaint #19-1223.** The matter is being monitored.
- E. **Complaint #20-0501.** There was no update on this matter.
- F. **Complaint #20-0818.** There was no update on this matter.
- G. **Complaint #20-0819.** There was no update on this matter.
- H. **Complaint #21-0524.** There was no update on this matter.
- I. **Complaint #21-0726.** There was no update on this matter.
- J. Complaint #21-0810.**

Dr. Sheila Young, Board investigator, provided a report on this matter. The complainant in the matter stated that upon beginning a session when the psychologist opened their laptop pornography could be heard playing. The psychologist denied any wrong doing, stating the laptop froze and made incoherent noises. The attorney for the psychologist stated that the incident does not meet criteria for discipline nor was there a preponderance of evidence.

Dr. Young recommended dismissing the matter as there was not sufficient evidence to move forward. She also recommended thanking the complainant for bringing the information forward; and providing a letter to the Respondent suggesting preparations for a session be made in advance of it beginning.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners dismissed Complaint #21-0810. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 5-0

K. Complaint #21-0816 –

Dr. Gary Lenkeit, Board investigator, explained the complaint stemmed from a risk assessment completed at the request of the Complainant's employer. The Complainant stated three concerns: 1, that the psychologist breached confidentiality by releasing too much information in the written report; 2, that the psychologist did not remain objective; and 3, that the psychologist had a conflict of interest.

The psychologist satisfactorily and specifically addressed each issue in a response written through an attorney. It explained that the employer would be entitled to a written report as the requestor of the evaluation; and the psychologist gave referrals to another provider and would not have benefited financially.

Dr. Lenkeit stated his opinion that the psychologist provided reasonable responses and recommended the matter be dismissed. He further stated his belief that there was no violation of NRS or NAC 641 or the APA Code of Ethics.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners dismissed Complaint #21-0816. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 5-0

L. Complaint #22-0121. There was no update on this matter.

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 (NRS 241.030). All Deliberation and Action Will Occur in an Open Session.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of licensure requirements: Beth Lavin, Maria Mechure, Jennifer Ramirez, Keri Ross, David Ventrelle, Michael West, and Erin Williams. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 5-0

A. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. Danielle Nishida for Licensure as a Psychologist, Contingent upon satisfactory completion of all other licensure requirements

(This item was taken out of order.)

Lisa Scurry, Executive Director, reviewed the application by endorsement of Dr. Danielle Nishida. Dr. Nishida's application was reviewed by the Board's Application Tracking Equivalency and Mobility (ATEAM) Committee on February 22, 2022, as she attended California Southern University, a school that was not accredited by the American

Psychological Association (APA). The ATEAM Committee did not recommend approval of the application and, instead, forwarded it for review by the full Board.

Director Scurry explained that the ATEAM Procedures Manual states that grounds for denial of an application includes completion of an exclusively online doctoral program. Additionally, Nevada Administrative Code (NAC) 641.062 states that to obtain equivalency of an APA-accredited program, the program must include "at least 1 year, or the equivalent, in full-time residence."

Dr. Nishida inquired if the internship she took at Cal Southern would count as residency as it was an optional one-year course that was in-person and supervised.

Member Dr. Woodard added that Dr. Nishida completed 1,512 internship hours and over 3,000 post-doctoral hours. At its meeting, the ATEAM Committee discussed possibilities for obtaining licensure but, as she had not been licensed for at least 5 years, there were no viable options.

President Owens stated that the Board has denied similar applicants in the past who have not attended APA-accredited schools, particularly when those schools are 100% online.

There was some discussion about applicants becoming registered with PsyPact in their home states to allow for practice. Dr. Young stated that registration in PsyPact requires completion of an APA-accredited program. She added that the Board has consistently denied applicants from non-APA-accredited schools as the programs are not always clinical psychology programs, although they may have the word "psychology" in the title.

Dr. Nishida inquired about the application and costs she had incurred. Director Scurry explained that the PLUS application would likely not result in an additional charge.

Dr. Nishida asked about other options. President Owens stated that the only option appeared to be to re-apply after having been licensed for at least 5 years in another jurisdiction.

Denial of the application was recommended based on the fact that Dr. Nishida did not meet the minimum requirements for licensure in Nevada. That included completion of an educational program that was APA-accredited or equivalent; and not meeting the minimum number of internship hours.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners denied the application for licensure of Dr. Danielle Nishida. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaili, and Stephanie Woodard) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve the Request for Testing Accommodation for Dr. Abigail Baily for the EPPP Part-1, EPPP Part-2, and Nevada State Exam

Dr. Abigail Baily submitted a request for a nursing mother accommodation for the EPPP Part-1 and Part-2 and Nevada State Examination. Such an accommodation would allow for additional breaks and a private room.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the request of Dr. Abigail Bailey for a “nursing mother accommodation” when taking the EPPP Part-1, EPPP Part-2, and/or Nevada state exam, as applicable. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 5-0

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

President Owens provided the Board with a summary of the proposal to create a master’s degree level license. Her proposal defined the scope of practice as the same as a licensed psychologist if the following requirements are met: Completion of an APA Accredited Master’s Program in Health Service Psychology; completion of 3000 hours (completed within 24-48 months) of post graduate supervised work by a licensed Psychologist, not inclusive of internship; and completion of the EPPP1, EPPP2, and state exam. Additionally, she asked for the Board’s thoughts on limitations on forensic and neuropsychological work.

She shared that some provinces in Canada limit independent practice only to those psychologists working in a public setting, such as a hospital, because additional oversight would be available. In Nevada, there may not be enough public settings to make this requirement possible.

Dr. Lenkeit suggested a master’s level license should limit neuropsychological work, but not necessarily forensic since marriage and family therapists can do most forensic work.

Dr. Holland asked about the educational requirements and how the curriculum would be changed for master’s level versus obtaining a doctorate.

Dr. Woodard expressed concern about the scope of practice, the value of having a masters level psychologist, and who has the education and training to conduct neuropsychological testing.

Dr. Holland asked if the goal of licensing at the master’s level was to increase access to services for the community. She asked if the potential decline in doctorate level psychologists should be considered.

President Owens responded that the proposal is coming from the American Psychological Association to address a variety of concerns, including having enough licensed psychologists to meet the needs of the community.

This item will return on future agendas.

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

There was no discussion on this item as it was resolved during the February 2022 Board meeting.

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 on this item. It will return on a future agenda.

13. (For Possible Action) Discussion and Possible Action to Revise the Provisions of Nevada Administrative Code (NAC) 641.1519, Qualifications of supervisor, to Require Registration of Supervisors of Psychological Trainees, Psychological Interns, and Psychological Assistants

President Owens presented a proposed change to NAC 641.1519, qualifications of supervisor. Under the proposal, the Board would approve supervisors of psychological assistants, psychological interns, and psychological trainees.

It would remove the requirement that a psychologist be licensed for a specified number of years to serve as a supervisor. Instead, language would be added about training and experience of the supervisor, as recommended by the American Psychological Association (APA). There was discussion about how to standardize those requirements.

Other issues addressed was the assessment of a fee for supervisors and whether or not that fee would be further assessed during each renewal period. President Owens asked how the standards for supervision should read and what type of continuing education would be required.

Dr. Holland asked about removing the requirement that a supervisor of a psychological assistant have been licensed in Nevada for at least 3 years. She added that such minimum licensure ensures some level of training and experience.

President Owens stated that assigning a length of time seemed arbitrary and may not take into account other ways to demonstrate an individual's capacity to supervise.

The members were asked to review the proposal for discussion at a future meeting.

- 14.** (For Possible Action) Discussion and Possible Action to Allow Psychological Interns and Psychological Trainees to take the EPPP Exams. Discussion may include whether Psychological Interns and Psychological Trainees must apply for registration and/or be registered prior to being allowed access to the EPPP exams

President Owens proposed allowing psychological interns and psychological trainees to take the EPPP Part-1. In February 2021, the Board took action to allow registered psychological interns to take the EPPP Part-1.

The Board discussed whether this should be extended to psychological trainees and whether interns and trainees would need to be registered or only to apply. Currently not all interns and trainees are required to be registered.

Director Scurry recommended that interns and trainees wishing to take the EPPP Part-1 must at least be an applicant. She added that the application fee could be for a lesser amount (\$25) rather than the standard application fee of \$150. That ensures a file is started for the individual.

There was no action on the item. It will return on a future agenda.

- 15.** (For Possible Action) Review, Discussion and Possible Action to Approve Revisions to the Board's Policy Entitled, "Executive Director Employment, Compensation, and Evaluation." Discussion may include a change related to retirement benefits as recommended by the State PERS office.

Lisa Scurry, Executive Director, presented proposed changes to the Board's Policy Entitled, "Executive Director Employment, Compensation, and Evaluation." The changes were recommended by the Nevada Public Employees Retirement System (PERS) to describe an Employee Contribution Plan A and Plan B. Plan A allows an employee to have the Board make 100% of the contributions with the employee paying a share through a salary reduction. Plan B requires the Board to pay 50% of the normal contributions and the employee to pay 50% as a payroll deduction.

Ms. Scurry also proposed revising the number of vacation and sick leave days that could be accrued and would allow for the executive director to buy up to five vacation days at the end of the fiscal year. She explained that the buy-out would keep the accrual at a manageable level for budgeting purposes.

President Owens suggested the Board adopt a "use it or lose it" philosophy related to vacation time where the employee is encouraged to use their time during the year. Any days not used would be lost at the beginning of each fiscal year.

Director Scurry suggested that sick leave time not be lost on an annual basis but that an appropriate maximum number of days be defined. She added that having sick leave available in case a medical issue arises is important.

President Owens asked about the difference between the PERS plans A and B. Ms. Scurry stated that there are tax ramifications. Also, under Plan B if a person leaves their position, they would be able to cash out part of their retirement. Under Plan A, the retirement cannot be cashed out.

The revision also added the federal Juneteenth holiday as a recognized holiday for office staff.

The Board agreed to the changes related to retirement and the Juneteenth holiday.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved revisions to the Board's Policy Entitled, "Executive Director Employment, Compensation, and Evaluation" related to retirement and the Juneteenth holiday. (Yea: Whitney Owens, Stephanie Holland, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 4-0

16. 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 update on this item.

- B. Update from Board Lobbyist

(This item was taken out of order.)

Neena Laxalt, Board lobbyist, provided an update on the activities of the Nevada Legislature and Governor's office. The Governor made comments, through his State of the State address, about consolidating boards. The interim Commerce Committee recently heard a presentation on the subject and a state-level task force may be formed.

17. (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

- A. R058-19: Endorsement Language

This regulation will be drafted by the Legislative Council Bureau prior to a hearing being conducted.

- B. R115-19: Supervision, payment of psychological assistant, Closure of a Practice - This regulation was approved by the Legislative Commission and adopted by the State.
- C. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting. - This regulation was approved by the Legislative Commission and adopted by the State.
- D. R174-20: Code of Conduct - This regulation was approved by the Legislative Commission and adopted by the State.
- E. R175-20: Removal of "Moral" - This regulation is pending a public hearing.
- F. R122-21: Removal of "Behavior Analyst" - This regulation is pending a public hearing.
- G. R127-21: Regulations related to Assembly Bill 327 - This regulation is pending a public hearing.
- H. R128-21: Regulations related to Assembly Bill 366 - This regulation is pending a public hearing.
- I. R121-21: Regulations related to Senate Bill 44 - This regulation is pending a public hearing.

- 18.** (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.

Harry Ward, Deputy Attorney General, stated that the matter is in the discovery phase and no other updates were available.

- 19.** (For Possible Action) Discussion and Possible Action to Approve Lisa Scurry for an employment waiver, pursuant to NRS 286.520(6), to continue working on a part-time basis beginning April 1, 2022, upon her retirement effective March 31, 2022, and until a suitable replacement begins employment, and is trained. If approved, Ms. Scurry will work 20 hours per week at an hourly rate of \$29.42 per hour. Such employment shall not extend beyond May 6, 2022, without approval of the Board.

Lisa Scurry, Executive Director, informed the Board that her retirement would be effective as of April 1, 2022, with her last day as the full-time executive director on

March 31, 2022. She offered to remain in a part-time capacity until a new executive director could be hired. To do so, in accordance with the rules of the Public Employees Retirement System (PERS), she would need to obtain a waiver pursuant to Nevada Revised Statutes (NRS) 286.520(6). That provision allows for a waiver of the 90-day cooling off period where a recipient of PERS benefits cannot be employed by a PERS granting organization for 90 days after becoming eligible for benefits. She proposed working not more than 20 hours per week at her current hourly rate of pay of \$29.42.

President Owens stated her belief that it would be a benefit to the Board to have Ms. Scurry remain in the office part-time while a replacement is sought. She added that when the previous executive director left the position, it was a burden on Board members attempting to cover the office long distance.

Ms. Scurry explained the PERS rules and estimated hiring a new person could take until at least the end of May and potentially into June. The item allows for the Board to approve the part-time arrangement until the date of the next meeting on May 6, 2022. At the time the Board will have the option to continue the part-time arrangement.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved a waiver pursuant to NRS 286.520(6) to allow Lisa Scurry to continue serving as the executive director on a part-time basis beginning April 1, 2022, upon her retirement effective March 31, 2022, and until a suitable replacement begins employment and is trained, at her current hourly rate and at not more than 20 hours per week until May 6, 2022. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 5-0

Member Monique Abarca left the meeting at 11:45 a.m.

The Board returned the discussion to item #15 related to the hiring and salary policy for the executive director.

20. (For Possible Action) Discussion and Possible Action to create a Sub-committee to Hire an Executive Director from the current members of the Board and/or Staff as follows: Whitney Owens, Stephanie Woodard, Stephanie Holland, Monique Abarca, Soseh Esmaeili, Sheila Young, Gary Lenkeit, and Lisa Scurry.

The Board discussed creation of a committee for the purpose of hiring an executive director. The committee will create the job announcement, review applicants, conduct interviews, and make recommendations to the Board.

President Owens proposed several options for hiring a new executive director and staffing the Board office related to the salary schedule of the "Executive Director Employment, Compensation, and Evaluation" policy. Options included hiring a full-time executive director; hiring a full-time executive director and a part-time assistant; and hiring a part-time executive director and a full-time assistant. With the part-time

executive director option, Director Scurry could be retained for a few months into the Fall in that capacity, providing time to fully train the executive assistant for the future promotion into the executive director position.

Director Scurry provided additional details about the options, including the potential financial impact. A full-time executive director starts at \$60,000 per year. The approximate cost of a part-time executive director with a full-time assistant would begin at \$80,000. A full-time executive director with a part-time assistant would cost approximately \$93,000.

Mr. Ward suggested forming the sub-committee who can take the above information into consideration during the recruitment and interview process.

President Owens, Secretary/Treasurer Woodard and Dr. Lenkeit volunteered to serve on the committee. Director Scurry stated that, although she will manage the meetings she could not serve as a member of the committee due to the conflict of interest.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners established a Sub-committee to Hire an Executive Director consisting of Whitney Owens, Stephanie Woodard, and Gary Lenkeit. (Yea: Whitney Owens, Stephanie Holland, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 4-0

21. (For Possible Action) Discussion and Possible Action to Approve the Vacation Leave Payout of Lisa Scurry, Executive Director, in the amount of \$5,413.28, minus any vacation time used in March 2022. The vacation payout would occur following her official retirement date of March 31, 2022.

Lisa Scurry, Executive Director, informed the Board that over the course of two years, little vacation time was taken resulting in an ending balance of 23 days. At an hourly rate of \$29.42, the vacation buyout cost was reported as \$5,413.28.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the Vacation Leave Payout of Lisa Scurry, Executive Director, in the amount of \$5,413.28, minus any vacation time used in March 2022. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, Soseh Esmaeili, and Stephanie Woodard) Motion Carries: 5-0

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

- A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, April 1, 2022, at 8:30 a.m., which will include a public hearing for the adoption of regulations

There were no suggested changes to the next meeting date. The date of the public hearing for the adoption of regulations was tentatively rescheduled for May 6, 2022.

23. 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.

24. Public Comment

Dr. Michelle Zochowski made comment informing the Board that she passed the EPPP Part-2 to complete licensure.

25. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 12:30 p.m.