

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

June 3, 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 8:32 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 Soseh Esmaeili, PsyD, and Lorraine Benuto, Ph.D., were present. Members Monique Abarca, LCSW, Catherine Pearson, Ph.D., and Stephanie Holland, PsyD, were 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: Wendi O’Connor, Brian Lech, Paul Kwon, David Ventrelle, Jodi Thomas, Donald Hoier, and Ananda Couto.

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 April 1, 2022.

The minutes of the regular meeting of the Board of Psychological Examiners from April 1, 2022, were reviewed by the Board. There were no questions, comments nor suggested changes.

Member Lorraine Benuto approved the minutes as to form, not content, as she was not on the Board in April.

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 April 1, 2022. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

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 May 6, 2022.

The minutes of May 6, 2022 were not discussed and will return on a future agenda.

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, presented the financial report. As of May 31, 2022, the checking account balance was \$133,254.38. Of those checking account funds, approximately \$87,000 was earmarked to open the 2023 Fiscal Year. That left a remaining operating balance of approximately \$46,254 for the final two months of the 2022 fiscal year. Additionally, the savings account balance was \$104,999.82 in the savings account.

To date, approximately 82% of the budgeted expenses have been paid. Items that are running above that average are supplies and legal fees, as noted in previous financial reports.

As predicted, a savings in payroll expenses was seen for the month of May as the executive director (ED) salary was halved, as was the payment to PERS. The expected expense for May-June (based on 173 total hours, in accordance with PERS regulations) would be approximately \$6,800.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2022. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

B. (For Possible Action) Discussion and Possible Action to Review and Approve the Proposed Budget for Fiscal Year 2023 (July 1, 2022 – June 30, 2023)

Secretary/Treasurer Stephanie Woodard and Executive Director Lisa Scurry presented the proposed budget for Fiscal Year 2023. The operating budget was developed using actual expenses and revenues to date and final projections to complete Fiscal Year 2022. Since the proposed budget was originally presented on May 6, 2022, some adjustments were made. Those adjustments included an additional \$3,000 for salary to allow for assistance to the new executive director, once hired.

The opening balance for the Fiscal Year 2023 budget would be \$83,480 based on deferred revenues from the past renewal period (ending December 31, 2020), plus any

additional deferred revenues of the past quarter. Based on the FY22 deferred revenue totals, the estimated deferred revenue for FY23 is 100,000 distributed on January 1, 2023, and July 1, 2023. Other revenues include application fees and state exam fees. The estimated revenue for fiscal year 2023 was \$218,000.

For expenses, the estimated payroll expense budget was \$111K. that included staff payroll expenses and Board member salaries. Operating expenses were estimated at \$107K.

This estimated overall expense is \$217,200 with an estimated income of \$217,800. The final projected balance at the end of FY23 was estimated at \$680.

The budget will come back to the Board in October once the final FY22 expenses have been reconciled and again in January or February of 2023 once the licensure renewal period is completed. At that time, the Board will have the actual deferred revenue amounts and may make adjustments to the budget as needed.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Proposed Budget for Fiscal Year 2023 (July 1, 2022 – June 30, 2023). (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

C. (For Possible Action) Discussion and Possible Action to Provide Direction to the Executive Director to begin the contracting process for obtaining the services of an accounting firm to perform the Fiscal Year 2022 external auditor, including parameters for the potential cost

President Owens explained that the Board must retain the services of an outside accounting firm to conduct the annual audit. The executive director was directed to seek a firm and, once the potential costs are known, bring the item back for approval by the Board.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners directed the Executive Director to begin the contracting process for obtaining the services of an accounting firm to perform the Fiscal Year 2022 external audit. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

D. (For Possible Action) Discussion and Possible Action to Approve Lisa Scurry to work not more than 20 hours per week, under the current hourly rate of pay of \$29.42 per hour, beginning July 1, 2022 through July 28, 2022. Such employment shall be contingent upon the approval of the Public Employees Retirement System (PERS), pursuant to NRS Chapter 286.

Director Scurry explained that in order for her to remain on staff to train the new executive director, she would need to move into a part-time position. The hourly rate of pay would be \$29.42/hour for not more than 20 hours per week for the duration of July 2022.

On motion by Lorraine Benuto, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the employment of Lisa Scurry in a part-time position to work not more than 20 hours per week, under the current hourly rate of pay of \$29.42 per hour, beginning July 1, 2022 through July 28, 2022. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

6. Board Needs and Operations

A. (For Possible Action) Discussion and Possible Action to Select Officers for the State of Nevada Board of Psychological Examiners for a One-Year Term from July 1, 2022, through June 30, 2023, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard. Officers to be Selected may Include President, Secretary/Treasurer, Continuing Education Review Officer, Non-Resident Consultant Application Review Officer, and Exam Officer.

This item was moved to a future agenda as there were three members missing.

B. (For Possible Action) Discussion and Possible Action to Select the Membership of the Application Tracking Equivalency and Mobility (ATEAM) Committee for a One-Year Term from July 1, 2022, through June 30, 2023, from the Current Board Membership: Monique Abarca, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, Whitney Owens, and Stephanie Woodard. Current Members of the ATEAM Committee are Soseh Esmaeili, Stephanie Holland, and Stephanie Woodard.

This item was moved to a future agenda as there were three members missing.

C. (For Possible Action) Discussion and Possible Action to Renew Dr. Gary Lenkeit as the Nevada PsyPact Commissioner for a One-Year Term Beginning July 1, 2022 and Ending June 30, 2023; or Announce the Position as Open to the Licensed Psychologists in the State of Nevada for Selection by the Board at a Future Meeting.

Dr. Gary Lenkeit has served as the Board's representative to the PsyPact Commission and indicated his desire to remain the Nevada PsyPact Commissioner for an additional term through June 30, 2023. President Owens noted that he has served the Board well in that position.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved Dr. Gary Lenkeit as the Nevada PsyPact Commissioner for a One-Year Term Beginning July 1, 2022 and Ending June 30, 2023. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

D. Report from the Nevada Psychological Association

Wendi O'Connor, executive director of the Nevada Psychological Association, provided an update on that organization's activities. That included upcoming continuing education opportunities and efforts to find a lobbyist.

E. Report From the Executive Director on Board Office Operations, including an update on actions taken as a result of the expiration of Directive 011 related to the Covid-19 pandemic.

This item was removed from the agenda due to time limitations.

F. Update from Board Lobbyist, including Activities related to the Nevada Legislature and the 2023 Legislative Session

There was no update at this time.

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

Harry Ward, Deputy Attorney General, and Dr. Gary Lenkeit, Board investigator, stated that there were no updates on the complaints listed below.

A. Complaint #19-0626

B. Complaint #19-0709

C. Complaint #19-1106

D. Complaint #21-0726

E. Complaint #22-0321

F. Complaint #22-0519

8. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee.

(This item was taken out of order.)

Paul Kwon - The application of Dr. Paul Kwon was reviewed at the May meeting of the Board. At that time, questions arose as to a finding on his background check from 2020 and it was requested that the item return for further discussion.

Director Scurry explained that the Board's policy on background checks mandated that the Board discuss certain findings. At the Board's request, she confirmed there were no outstanding complaints in another jurisdiction as a result of the driving offense that led to the finding. Additionally, the probation assigned in 2020 had been suspended in 2021. She recommended, based on the process described in the Board policy, the matter not impact Dr. Kwon's application for licensure. She added that he had satisfied all other requirements for licensure.

Although Dr. Kwon was present, he had nothing to add nor were there any questions for him.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application for licensure of Dr. Paul Kwon, contingent upon satisfactory completion of all other licensure requirements. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

Applicants for Licensure - President Owens provided the following names for approval of licensure, contingent upon satisfactory completion of licensure requirements: Persephone Crittenden, Cynthia Lancaster, Carolina Meza Perez, Stephanie Orbon, Nicole Short, Nancy Small, Ann Watters, and Jessica Weis.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the following names for approval of licensure, contingent upon satisfactory completion of licensure requirements: Persephone Crittenden, Cynthia Lancaster, Carolina Meza Perez, Stephanie Orbon, Nicole Short, Nancy Small, Ann Watters, and Jessica Weis. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

A. (For Possible Action) Discussion and Possible Action to Consider the Request for an Extension of the Registration as a Psychological Assistant of Danielle Agnello through June 30, 2023

This item was pulled from the agenda with no discussion.

9. (For Possible Action) Announcement of the Association of State and Provincial Psychology Boards' (ASPPB) Call for Public Comments for the draft Resources for the Regulation of Practicum Experience for Licensure Requirements document

The Association of State and Provincial Psychology Boards' (ASPPB) posted a call for public comment on a *Regulation of Practicum Experience for Licensure Requirements* document. President Owens explained that Board members and licensees are welcome to review the document and submit comment related to regulating practicum experience.

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

This item was removed as there no updates.

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

This item was removed from the agenda.

12. (For Possible Action) Discussion and Possible Action to Review and Revise the Board Policy Entitled, "Executive Director Employment, Compensation, and Evaluation" to include provisions for employment of part-time and/or temporary staff

Director Scurry presented proposed revisions to the Board Policy Entitled, "Executive Director Employment, Compensation, and Evaluation." Changes included changing the probationary period of a new employee to six months unless otherwise approved by the Board. This would allow the Board to shorten or lengthen the probationary period as necessary.

The next change would define a full-time employee as working 25 hours per week or more and that only full-time employees would be eligible for retirement benefits. Director Scurry explained that this would be needed in order to show the Nevada Public Employees Retirement System (PERS) that her continued employment as a part-time employee would not be subject to PERS benefits. Only the executive director, as a full-time employee, would be eligible for PERS benefits.

Related to vacation and sick leave days, Ms. Scurry explained that she did further research, including reviewing the state employment handbook, related to placing limits on the number of days, if any, that can be carried over from year to year. The proposed revision would allow for no rollover of vacation hours from year to year. The limit of sick leave day accruals was removed and a list of authorized reasons for sick days was added. Language was added that approval for 5 or more days of vacation or leave without pay must be approved by the Board.

Dr. Lenkeit asked if PERS defines part-time versus full-time employment. Director Scurry responded that she could not find such definition within the PERS policies and suspected that most organizations define it within their own policies.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the revisions (as described above) to the Board Policy Entitled, "Executive Director Employment, Compensation, and Evaluation." (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, and Stephanie Woodard) Motion Carried: 4-0

13. (For Possible Action) Discussion and Possible Action to Review, Revise, and Adopt a policy related to budgeting and other financial procedures

Director Scurry presented the Board's Operating Reserve Policy, which describes the process for maintaining an adequate level of unrestricted net assets to support the Board's day-to-day operations in the event of unforeseen shortfalls. The policy was scheduled to be reviewed by the Board on an annual basis.

Revisions proposed included adding the definitions of "deferred revenue" and describing the license renewal process and describes the role of the Board's secretary/treasurer position.

The policy describes such areas as accounting for reserves, funding of reserves, and authority to use operating reserves. Ms. Scurry asked the Board to consider a policy change where deferred revenues are moved to the savings account to earn interest rather than staying in the checking account. Then, each quarter those funds would be moved back to the checking account to cover operating expenses.

Ms. Scurry asked the Board to review and bring any questions or concerns to the July meeting for further discussion.

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 explained that the last meeting with the Corrections Department staff was cancelled. Director Scurry suggested that the proposed change be provided to the Board's lobbyist so that efforts to find a bill sponsor could begin for the 2023 Legislative Session. She added that the issue needing to be addressed with the Corrections Department is one of potential fiscal impact as that will be asked by the Legislature.

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

Director Scurry explained that items A, C, and D were reviewed by the Legislative Health Care Committee with no proposed changes. They will be submitted to the Legislative Counsel Bureau for final adoption. Item B will be heard by the Board in a public hearing during the July meeting.

A. R175-20: Removal of "Moral"

B. R127-21: Regulations related to Assembly Bill 327

C. R128-21: Regulations related to Assembly Bill 366

D. R121-21: Regulations related to Senate Bill 44

16. (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, July 8, 2022, at 8:30 a.m.

B. The Board will conduct a Hearing for the Adoption of a Regulation.

There were no changes to the above schedule.

17. 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.

18. Public Comment

There was no public comment at this time.

19. (For Possible Action) Adjournment

There being no further business, President Owens adjourned the meeting at 9:28 a.m.