

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

July 8, 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, and members Stephanie Holland, PsyD, Monique Abarca, LCSW, Catherine Pearson, Ph.D., and Lorraine Benuto, Ph.D., were present. Members Secretary/Treasurer Stephanie Woodard, Psy.D., and Soseh Esmaeili, PsyD, were absent at roll call.

Also present were Harry Ward, Board counsel and Deputy Attorney General, Dr. Sheila Young, Board Investigator, Neena Laxalt, Board Lobbyist, Lisa Scurry, Executive Director (Retired), and members of the public: Amanda DeVillez, Michael Pauldine, Donald Hoeir, Jodi Thomas, Carin Hennessey, Tara Borsh, Bernadette Hinojos, (Nevada Medicaid) and James Maltzahn.

Stephanie Holland left the meeting at 10:30 a.m. Soseh Esmaeili joined the meeting from 10:45 – 11:00 a.m.

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.

3. (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number 127-21) Proposed for Adoption; and Possible Action to Make Revisions to and/or Forward the Proposed Regulation to the Legislative Counsel Bureau In Accordance with NRS Chapter 233B. (See Attached Public Notice for Information on the Draft Regulation)

The Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number 127-21) was called to order by President Owens at 8:35 a.m.

There was no public comment at this time.

President Owens explained that the regulation, Legislative Counsel Bureau (LCB) File No. 127-21, revises provisions related to continuing education by adding a requirement for cultural competency and diversity.

Director Scurry explained that no public comment was received during the Public Workshop nor following the request for public comment that went to all licensees. The regulation was reviewed by the State Health Care Committee with no questions.

Upon approval, the regulation will be submitted to the Legislative Counsel Bureau for adoption by the Legislative Commission.

Public Comment:

Dr. Jodi Thomas stated her support for the regulation. She suggested the Board also review Chapter 641 to update gender-based language to include the inclusive term "they" wherever he/she is used.

Member Dr. Pearson inquired about Section 1, #3, which read, "Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct, for a course in evidence-based suicide prevention and awareness, or for a course relating to cultural competency and diversity, equity and inclusion, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course." She asked if the word "or" should be "and." Following discussion, it was decided that "or" was correct as the language was referring to each of those subjects separately related to approval by the Board.

Dr. Pearson also inquired about the language of Section 2(k)(3)(viii), which read, "Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board." She asked if the language should be "as approved by the Board" rather than "as determined." It was explained that the language of the regulation mirrored the language adopted through Assembly Bill 327, which was enacted in 2021. It was decided when the regulation was originally drafted that the language would not be changed from the enacted law.

On motion by Lorraine Benuto, second by Monique Abarca, the Board of Psychological Examiners approved LCB File #R127-21 and directed it be submitted to the Legislative Counsel Bureau for adoption. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson)
Motion Carried: 5-0

There was no additional public comment provided. The regular meeting was reconvened by President Owens at 8:43 a.m.

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 the regular meeting of the Board of Psychological Examiners from May 6, 2022, were reviewed by the Board. There were no questions, comments nor suggested changes.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on May 6, 2022. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

5. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on June 3, 2022.

The minutes of the June 3, 2022, meeting were not discussed and will return on a future agenda.

6. 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 June 30, 2022, the checking account balance is \$128,559.85. She explained that approximately \$87,000 had been held from deferred revenues to begin the 2023 Fiscal Year. That left a remaining operating balance of approximately \$41,000 to close out the 2022 fiscal year. She added that as of the date of the meeting, all expenses for June had not been reconciled.

The savings account balance was \$105,003.39.

Ms. Scurry estimated that Fiscal Year 2022 should end in the positive, adding that expenses that had been of concern, such as legal expenses, had tapered off in the past two months.

On motion by Lorraine Benuto, 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, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

7. 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 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 taken out of order.)

President Owens asked the members for interest in the following officer positions on the Board: President, Secretary/Treasurer, Continuing Education Officer, Non-Resident Consultant Application Review Officer, and Exam Officer.

President Owens indicated her interest in remaining President for an additional one-year term. Monique Abarca indicated her interest in remaining Continuing Education Officer for an additional one-year term. Soseh Esmaeili indicated her interest in becoming the Non-Resident Consultant Application Review Officer.

Director Scurry stated that Stephanie Woodard indicated her interest, via email, in remaining the Secretary/Treasurer for an additional year.

As Stephanie Holland, the current Exam Officer, was no longer present, no action was taken to select that position. It will return at the next meeting of the Board.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners selected Whitney Owens as Board President, Stephanie Woodard as Secretary/Treasurer, Monique Abarca as Continuing Education Officer, and Soseh Esmaeili as Non-Resident Consultant Application Review Officer for terms ending June 30, 2023. (Yea: Whitney Owens, Lorraine Benuto, Monique Abarca, and Catherine Pearson. Not Present at Vote: Stephanie Holland and Soseh Esmaeili) Motion Carried: 4-0

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 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 taken out of order.)

As two of the current members of the ATEAM Committee were not present, this item was moved to the next meeting.

C. Report from the Nevada Psychological Association

Tara Borsh gave a report on the activities of the Nevada Psychological Association (NPA), including continuing education opportunities sponsored by the NPA.

She also expressed the frustration on behalf of the NPA staff that the Board of Psychological Association's office is not being manned full-time. She inquired if there was any information that could be provided to licensees who call the NPA. President Owens explained that the Board would be discussing the status of the executive director search later in the agenda.

D. Report From the Executive Director on Board Office Operations

Lisa Scurry, retired executive director, stated that the hours she was approved to work through June on the emergency waiver had been exhausted. As a result, she had been limited for the past two weeks in the number of hours she could work in the office. (Note: Ms. Scurry retired as of April 1, 2022. In order to cover the office, an emergency waiver was sought from and approved by the Nevada Public Employees Retirement System which allowed her to work not more than 173 hours in April, May and June). She commented that she had attempted to monitor email, voice mail and conduct the operational business of the Board but that it had been difficult given the limited number of hours she could work. She acknowledged that the needs of the licensees, registrants, applicants, and general public could not be adequately addressed on a less than part-time basis.

E. Report on Legislative Activities, including the work of Interim Committees and the 2023 Session of the Nevada Legislature

(This item was taken out of order.)

Neena Laxalt, Board Lobbyist, provided an update on the activities of the Nevada Legislature. The work of interim committees is ending in preparation for the upcoming Legislative Session. She stated that deadlines were approaching to find bill sponsors for the 2023 session of the Legislature. Additionally, the Governor's office has requested that Bill Draft Requests from boards be submitted to his office for review.

Ms. Laxalt explained that a task force related to boards was supposed to be created but she had not heard anything related to the status of its creation or work.

President Owens asked that the Board be informed if the task force is created or any proposals are discussed. She added that the Board is ready to be part of any discussions about the work of boards.

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

There was no update on the complaints below as each remained pending.

- A. Complaint #19-0626
- B. Complaint #19-0709
- C. Complaint #19-1106
- D. Complaint #21-0726
- E. Complaint #22-0321
- F. Complaint #22-0519

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.

Public Comment: Dr. Jodi Thomas inquired about the status of a psychological assistant. Director Scurry responded that she would review the file and respond to her and the registrant following the meeting.

President Owens presented the following applicants for approval of licensure, contingent upon completion of licensure requirements: Abigail Baily, Lori Johnson, Marianne Kabour, Mary Man Yee Poon, DeAnn Smetana, and Michele Wilkens.

On motion by Lorraine Benuto, second by Catherine Pearson, the Board of Psychological Examiners approved the following applicants for licensure, contingent upon completion of licensure requirements: Abigail Baily, Lori Johnson, Marianne Kabour, Mary Man Yee Poon, DeAnn Smetana, and Michele Wilkens. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

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

(This item was taken out of order.)

Dr. Bernadette Hinojos submitted a request to take the EPPP Part-1 a 4th time. In accordance with Nevada Administrative Code (NAC) 641.120, she provided a proposed study guide for the Board's consideration and approval.

There were no questions or concerns from the Board.

On motion by Lorraine Benuto, second by Stephanie Holland, the Board of Psychological Examiners approved the Application of Dr. Bernadette Hinojos to take the EPPP Part-1 a 4th time in accordance with NAC 641.120. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. James Maltzahn to take the EPPP Part-1 a 4th time in accordance with NAC 641.120

(This item was taken out of order.)

Dr. James Maltzahn submitted a request to take the EPPP Part-1 a 4th time. In accordance with Nevada Administrative Code (NAC) 641.120, he provided a proposed study guide for the Board's consideration and approval.

There were no questions or concerns from the Board.

On motion by Lorraine Benuto, second by Catherine Pearson, the Board of Psychological Examiners approves the Application of Dr. James Maltzahn to take the EPPP Part-1 a 4th time in accordance with NAC 641.120. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

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

(This item was taken out of order.)

Dr. Michael Pauldine submitted a request for an exception to Nevada Administrative Code (NAC) 641.1519(2), which requires a supervisor of a psychological assistant be licensed to practice psychology for 3 years or more. He was licensed on October 11, 2019, making him 3 months shy of the requirement.

President Owens explained that Dr. Pauldine was granted a similar waiver to supervise based on the unique nature of his position at the University of Nevada, Las Vegas, in May 2021. She added that Dr. Pauldine has past experience in supervision.

On motion by Lorraine Benuto, second by Stephanie Holland, the Board of Psychological Examiners Granted Dr. Michael Pauldine a Waiver of Nevada Administrative Code (NAC) 641.1519(2) Which Requires a Supervisor of a Psychological Assistant be Licensed to Practice Psychology for 3 Years or

More. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Monique Abarca, and Catherine Pearson) Motion Carried: 5-0

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

President Owens suggested this item be removed from future agendas until such time as the two Nevada universities (UNR and UNLV) develop standards for a master's degree level psychological licensure program, and the American Psychological Association completes its work on developing accreditation standards and model legislation.

12. (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 proposal to change to Nevada Administrative Code (NAC) 641.1519. The change would revise the qualifications of those wishing to act as a supervisor of a psychological assistant, psychological intern, and/or psychological trainee; and it would require the registration of supervisors with the Board.

She explained that the current provision which requires supervisors of psychological assistants to have been licensed for at least three years would be replaced by a combination of training and experience. A benefit of registration of supervisors would include the data the Board would receive about the numbers of supervisors in the state, the locations where supervisees are working, etc.

The draft regulation was provided to the Board at a previous meeting. The members reviewed the proposed language to consider additional revisions.

Member Dr. Benuto made comment about whether or not a fee should be assessed to supervisors upon registration. She suggested that supervision is part of licensure and an additional fee is not warranted. She also asked whether supervisors would register based on each student or if it would be a one-time requirement, and if there would be any other potential burdens or barriers placed on the supervisor.

President Owens responded that the intent would likely be a one-time application with a renewal at that same time as license renewal. She added that her proposal would be a one-time registration to verify the supervisor meets the requirements to supervise. The purpose of registration would be to increase communication between the Board, the supervisor, and the supervisee as to registration requirements.

Member Dr. Holland inquired about section 6 of the draft language which was drafted to read, "The Board shall not recognize time spent by a psychological assistant, psychological intern, or psychological trainee: (a) Under the supervision of a person

who has not been approved by the Board to supervise psychological assistants, psychological interns, or psychological trainees; or (b) Under the supervision of a person not covered by the supervised practice plan that psychological assistant, psychological intern, or psychological trainee has not been previously approved by the Board."

President Owens explained that the intent of the section was to ensure students were properly registered, including verification of the registration of the supervisor. Hours earned by the student prior to the approved registration would not count toward licensure requirements.

Member Dr. Pearson asked if that provision would impact hours earned under a secondary supervisor. President Owens responded that students, upon registration, must list their primary and, if applicable, the secondary supervisor. Director Scurry added that a student can interact with an additional health care professional, who was not noted on the Supervised Practice Plan, when providing services.

Member Dr. Benuto asked about psychological assistants who provide supervision and whether they would need to be registered as a supervisor.

Regarding a scenario where a post-doc would supervise an intern or trainee, there was discussion about who had the role of primary supervisor and if it must be a licensed psychologist. Dr. Holland commented that the person who is registered as the supervisor (supervisor of record) would have the legal and ethical responsibility for the supervisee. The post-doc would be a second or third supervisor and should not have to register. Dr. Benuto added that in that case, the hours would count because the supervisor of record (primary supervisor) would have registered.

President Owens stated that the Board allows a secondary supervisor to be from another discipline, such as a marriage & family therapist or social worker. She stated her belief that such a secondary supervisor would have to be registered as they are providing specialized supervision. She suggested changing the language of 6(a) and 6(b) to read, "[u]nder the supervision of a *supervisor of record...*" rather than "...of a person..."

There was discussion about whether a primary supervisor must be a licensed psychologist or if that supervision could be from another discipline. Director Scurry stated that a supervisor may provide specialized training (NAC 641.152). She added that the language of that NAC would indicate that the specialized supervisor would be secondary.

Sheila Young, Board investigator, made comment that hours do not count unless there is a primary supervisor who is a licensed psychologist. Dr. Holland added that under APPIC's guidelines for internship, there must be two licensed psychologists as supervisors. She suggested a revision to make "supervisor" plural as follows: "[u]nder the supervision of a *supervisor(s) of record...*"

President Owens suggested the Board also look at the language of the NAC to define supervisor, supervisor of record, and any related terms. Director Scurry added that the Supervised Practice Plan (SPP) should be reviewed to ensure the rules of supervision are clear to supervisors.

President Owens presented the draft language of 1(c) regarding training and experience. The draft language presented read, "Demonstrate completion of the following: Coursework in supervision, continuing education in supervision, or supervised supervision. At a minimum, education and training in supervision should include: models and theories of supervision; modalities; relationship formation, maintenance, rupture and repair; diversity and multiculturalism; feedback, evaluation; management of supervisee's emotional reactivity and interpersonal behavior; reflective practice; application of ethical and legal standards; decision making regarding gatekeeping; and considerations of developmental level of the trainee." President Owens explained that the proposed language was taken from the ethics code.

There was discussion about coursework, continuing education, etc., and whether or not those items would be considered on a case-by-case basis or if a standard would be created to determine appropriate training and experience.

Dr. Pearson suggested not limiting the pool of supervisors by creating specific criteria, particularly with newer psychologists. President Owens suggested adding an additional caveat to consider the number of years of licensure and/or number of years of supervision experience. Dr. Holland recommended that supervisors have some type of formal coursework but that it would be difficult to establish a set number of hours of coursework. Dr. Benuto asked if continuing education could take the place of formal coursework. She added that she did not have formal coursework but had taken continuing education courses in supervision.

President Owens explained that the proposed language would allow for various methods for obtaining training and experience. Once the regulation is adopted, time would be built in to allow supervisors to obtain the minimum requirements for compliance.

Dr. Benuto asked if there is research related to how many hours of coursework or continuing education related to improved supervision. (She will look for any research and bring it to a future meeting.)

President Owens suggested defining terms to be added to the final draft.

Public Comment: Dr. Jodi Thomas stated she works in a location with multiple supervisees, as well as supervisors from other disciplines. She asked that the Board be mindful of creating barriers for supervisors. Many locations are already accredited by the APA or APPIC which ensures supervisors are following certain standards.

13. (For Possible Action) Discussion and Possible Action to Review and Revise the Operating Reserve Policy

The Board adopted the Operating Reserve Policy in 2019. It describes the Board's intent to build and maintain an adequate level of unrestricted net assets to support the Board's day-to-day operations in the event of unforeseen shortfalls. Director Scurry explained that the policy will be used in conjunction with other financial policies, such as that related to budgeting. She explained that the only recommended changes to the document were to add definitions and descriptions of terms for deferred revenue, the licensure renewal process, and the role of the Board's secretary/treasurer.

The policy is intended to be reviewed by the Board annually. It was provided at the June meeting for review. No comments nor questions were provided by the Board members.

On motion by Catherine Pearson, second by Monique Abarca, the Board of Psychological Examiners approved the revisions to the Operating Reserve Policy. (Yea: Whitney Owens, Lorraine Benuto, Monique Abarca, and Catherine Pearson. Not present at vote: Stephanie Holland) Motion Carried: 4-0

Dr. Stephanie Holland left the meeting at 10:30 a.m.

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

(This item was taken out of order.)

The Board created a proposal for a change to Nevada Revised Statutes (NRS) 641.390, related to individuals who work for a public agency using the title psychologist without being licensed. Dr. Owens explained that due to concerns related to Corrections, the proposed change would require licensure by those identified as psychologists within that department.

Meetings with the department have been ongoing to ensure such a change could be made, as well as what, if any, fiscal impact could be associated with the change. Director Scurry stated that a summary of the concerns and past action by the board would be provided to Ms. Laxalt to aid in finding a bill sponsor. An additional meeting will be scheduled with the Corrections Department and their Human Resources representative to ensure there are no potential concerns that had not been addressed.

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 the four regulations below have completed the hearing process and will be submitted to the Legislative Counsel Bureau for adoption. They were each reviewed by the State's Health Care Committee and there were no comments or questions.

- 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) Discussion and Possible Action Related to the Hiring of an Executive Director to include recommendations of the *Sub-Committee to Hire an Executive Director*. Discussion may include the timing of re-posting the job announcement and potential salary and benefit considerations following completion of the upcoming licensure renewal period.

Member Dr. Soseh Esmaeili joined the meeting at 10:45 a.m.

(The Board combined the discussions of Items 16 and 17, related to the critical needs designation.)

President Owens provided the Board with an update on the status of the hiring of a new executive director. Prior to bringing the finalists names to the Board for selection of a new executive director, the sub-committee to hire an executive director provided the finalists with information related to salary and benefits for the position. Each finalist withdrew their name from consideration.

The challenge, Dr. Owens explained, is that there is no other staff available to run the office, particularly with the licensure renewal process beginning shortly. There was discussion about re-posting the position, when that posting would occur, and consideration of waiting until after renewals to determine if the salary schedule and benefits can or should be adjusted.

Director Scurry suggested the Board could re-post the position now but there are numerous barriers related to hiring in the current environment.

Member Dr. Pearson asked about the hiring process timeline. The position was last opened in March 2020, when Lisa Scurry was hired. For the current vacancy, Director Scurry explained the job was posted in mid-March 2022. Following the month-long advertisement, the interview and selection process includes sub-committee and board

meetings, each requiring compliance with Open Meeting Law. As a result, the job search can take 8-12 weeks.

There was discussion about posting the salary and benefits information at the beginning of the process. Director Scurry explained that the job advertisement included the salary information, but the national job recruitment site does not include salary information unless they are paid additional fees. She was not aware of that requirement when the posting was made initially. It was decided that the job announcement would be re-worked to include the salary information in the job description to hopefully get around that issue.

The advertisement was initially run for one month on a national job recruitment site, the state job announcement website, posted to the Board website and provided to the other state Boards.

The Board moved to Item 17 prior to taking any action on Item 16.

The Board discussed taking action to either: re-post the position immediately if the critical needs designation is denied by PERS; or, if the designation is approved, have the item return for further discussion at the August or September meeting.

On motion by Lorraine Benuto, second by Monique Abarca, the Board of Psychological Examiners approved the posting of the job recruitment for the position of executive director be completed immediately if the critical needs designation is denied by PERS. If the critical needs designation is approved, the posting will be delayed pending further discussion by the Board. (Yea: Whitney Owens, Lorraine Benuto, Monique Abarca, and Catherine Pearson. Not present at vote: Stephanie Holland and Soseh Esmaeili) Motion Carried: 4-0

17. (For Possible Action) Discussion and Possible Action to (1) Deem the Executive Director position as Critical Needs in Accordance with NRS 286.523 (Employment of retired employee: Exception for reemployment of certain retired employees to fill positions for which critical labor shortage exists; determination and designation of such positions; limitation on length of designation of position); and (2) Hire of Lisa Scurry in the Position of Executive Director once the Critical Needs Designation has been approved by the Nevada Public Employees' Retirement System of Nevada at the current rate of salary (Step 3 on the Approved Salary Schedule).

(The Board combined the discussions of Items 16, related to the hiring of a new executive director, and 17.)

Lisa Scurry, Executive Director, explained what a critical needs designation is and why it would be needed. As the executive director position is the sole staff position in the Board office, upon her retirement, there was no staff to take over. As the emergency

waiver, which allowed her to work a limited number of hours during the first 90 days of retirement, had expired, without the critical needs designation there would be no staff in the office until a new person could be hired. That process can take several months.

She commented that there would be no excess expenses to the Board beyond the standard salary and state retirement payment. She also reviewed the process for submitting a request for the designation to the Nevada Public Employees Retirement System (PERS).

Director Scurry reiterated that action of the Board would be to designate the position of executive director as critical needs. She felt the designation would be justified because there is no other staff to take the position while the Board seeks to hire her replacement. She added that currently, the needs of licensees, registrants, applicants and the general public are not being met due to the staff shortage. Given the mental health crisis in the state, the position, in her opinion, was a critical need.

Upon approval by PERS, Ms. Scurry would be able to return to work on a full-time basis. That would allow the Board to continue the job search over the next few months while ensuring the office is being managed. She added that the action to label the position as a critical need is good for two years.

On motion by Monique Abarca, second by Catherine Pearson, the Board of Psychological Examiners approved the designation of the position of executive director as critical needs in accordance with NRS 286.523; and directed the request be submitted to the Nevada Public Employees Retirement System for approval. (Yea: Whitney Owens, Lorraine Benuto, Monique Abarca, Soseh Esmaeili, and Catherine Pearson. Not present at vote: Stephanie Holland) Motion Carried: 5-0

Director Scurry recommended a second action be considered to re-hire her as the executive director under the critical needs designation, if approved by PERS. She also asked the Board to consider allowing her to move to the next step on the salary schedule (Step 3) in accordance with the Board's policy that would have provided for a 2% salary increase as of July 1. She stated the Board could put the salary increase on the August agenda if they wanted to wait until the Board's Secretary/Treasurer, Stephanie Woodard, could be present.

On motion by Monique Abarca, second by Lorraine Benuto, the Board of Psychological Examiners authorized the re-hiring of Lisa Scurry in the Position of Executive Director upon approval of the Critical Needs Designation by the Nevada Public Employees' Retirement System; and approved the 2% salary increase (Step 3 of the Board Salary Schedule). (Yea: Whitney Owens, Lorraine Benuto, Monique Abarca, Soseh Esmaeili, and Catherine Pearson. Not present at vote: Stephanie Holland) Motion Carried: 5-0

The Board returned to Item 16.

18. (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, August 12, 2022, at 8:30 a.m.

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

There were no suggestions for future Board meeting agenda items.

20. Public Comment

There was no public comment at this time.

21. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 11:25 a.m.