

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

September 9, 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 8:30 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, Stephanie Holland, PsyD, Catherine Pearson, Ph.D., Monique Abarca, LCSW, and Lorraine Benuto, Ph.D., were present.

Also present were Chricy Harris, Deputy Attorney General, Dr. Sheila Young, Board Investigator, Dr. Gary Lenkeit, Board Investigator, Lisa Scurry, Executive Director, and members of the public: Richard Schonfeld, Jodi Thomas, Lauren Chapple-Love, Brian Lech, Adrienne Zimring, James Tenney, and Tara Borsh.

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) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on August 12, 2022.

There were no comments nor questions regarding the minutes.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on August 12, 2022. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 7-0

4. Financials

A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, Through June 30, 2023).

Secretary/Treasurer Stephanie Woodard and Executive Director Lisa Scurry presented the financial report for fiscal year 2023. Director Scurry explained that the final

reconciliation of Fiscal Year 2022 was not complete. Until that occurs, the financials for Fiscal Year 2023 are subject to change slightly.

As of June 30, 2022, the checking account balance was \$109,672 and the savings account balance was \$105,013. No unexpected or non-budgeted expenses were paid. To date, approximately 44% of the expected income had been received. Approximately 11% of projected expenses had been paid.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2023. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 7-0

5. Board Needs and Operations

A. (For Possible Action) Discussion and Possible Action to Select the Exam Officer 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.

The Board discussed the appointment of an Exam Officer from the current Board membership to serve a term ending June 30, 2023. Member Dr. Holland served in the position for the past year and offered to remain for an additional year.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners selected Stephanie Holland to serve as Exam Officer for a term ending June 30, 2023. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 7-0

B. Report from the Nevada Psychological Association

Dr. Tara Borsh and Dr. Lauren Chapple-Love, representing the Nevada Psychological Association, presented a report on their activities.

Dr. Chapple-Love asked about making the EPPP (national examination) available to students, continuing education credit for instructors, and licensure of post-doctoral students.

President Owens responded that the Board previously discussed and took action to allow psychological interns and psychological assistants to take the EPPP upon request. Pursuant to Nevada Administrative Code, instructors of continuing education courses are not permitted to earn credit for the course(s) they teach. The Board has discussed

a proposal to license post-doctoral students but had paused the discussion. At the request of NPA, the item will return on a future agenda.

Dr. Adrianna Zimring commented that licensure of post-doctoral students was originally part of discussion related to registering of psychological trainees and psychological interns for Medicaid reasons.

President Owens stated there may be a bill presented during the upcoming Session of the Nevada Legislature regarding insurance companies paneling those providers.

Dr. Borsh asked for clarity regarding the Board proposal to clarify language related to supervisors and to potentially require the registration of supervisors.

C. Report From the Executive Director on Board Office Operations.

Lisa Scurry, Executive Director, presented statistics from the office for the month of September. Information provided included the numbers of applications received, state exams proctored, and licenses issued.

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

There was no report from the Board lobbyist.

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

- A. Complaint #19-0626. This item remained pending.
- B. Complaint #19-0709. This item remained pending.
- C. Complaint #19-1106. This item remained pending.
- D. Complaint #21-0726. This item remained pending.
- E. Complaint #22-0321. This item remained pending.
- F. Complaint #22-0519. This item remained pending.
- G. Complaint #22-0804. This item remained pending.

7. (For Possible Action) Discussion and Possible Action to Revoke the License of G. Brent Dennis, Ph.D., License Number PY0312, in accordance with Nevada Revised Statutes (NRS) 641.230, Grounds for disciplinary action

(This item was taken out of order.)

Dr. Gary Lenkeit, Board investigator, presented information regarding the proposed revocation of the licenses of G. Brent Dennis, Ph.D. (License #PY0312). The original complaints against Dr. Dennis were 16-1005 and 16-0909 related to allegations of

falsification of renewal forms, treating patients while actively suffering from a substance abuse problem, and entering into a dual relationship with his wife by serving as her therapist.

Prior to a Board meeting where the allegations would have been discussed, in 2017 Dr. Dennis was charged with the murder of his wife and his license to practice psychology was suspended by the Board. An agreement was entered into between the Board and Dr. Dennis where Dr. Dennis' license was suspended for a six-month period. Dr. Dennis was subject to several conditions including substance abuse monitoring, and supervision of his practice.

During that time, as Dr. Dennis was not seeing patients, he requested his license be placed on inactive status for the 2021-2022 biennium.

In 2022, Dr. Dennis entered an Alford plea for voluntary manslaughter in the death of his wife. In accordance with Nevada Revised Statutes 641.230(1)(b), the Board may revoke a person's license "if the Board finds by a preponderance of the evidence that the person has: Been convicted of any crime or offense that reflects the inability of the person to practice psychology or to practice as a psychological assistant, psychological intern or psychological trainee with due regard for the health and safety of others."

As a result, it was recommended that the license of Dr. Dennis be revoked.

Richard Schonfeld, Dr. Dennis' attorney, explained that the Alford plea entered by Dr. Dennis meant that he did not make any admission in terms of criminal culpability in the death of his wife. He was incarcerated and notified the Board that he was willing to relinquish his license.

Member Dr. Esmaili asked about the difference between revocation of the license versus a voluntary surrender.

Chricy Harris, Deputy Attorney General and the Board's legal counsel, explained that a voluntary surrender of the license would still be considered disciplinary but does not have to be accepted by the Board. A voluntary surrender would remove the ability of the Board to seek any further actions such as fines.

Mr. Schonfeld noted that the meeting notice only indicated revocation of the license as a potential outcome of the discussion. No fees or other action was described in the agenda item title.

President Owens stated her belief that the license should be revoked, and not voluntarily surrendered. This would help send a message that protection of the public is of primary concern and Dr. Dennis' behavior would not be accepted.

Member Dr. Holland stated she would be abstaining from voting in the matter.

Member Dr. Woodard clarified that the recommendation was for the Board to revoke the license and not accept a voluntary surrender.

Ms. Harris suggested the Board state if a review of the action, and possible reinstatement of the license, would be available to Dr. Dennis in the future.

On motion by Soseh Esmaeili, second by Stephanie Woodard, the Board of Psychological Examiners revoked the License of G. Brent Dennis, Ph.D., License Number PY0312, in accordance with Nevada Revised Statutes (NRS) 641.230, Grounds for disciplinary action, without the possibility of reinstatement. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, and Catherine Pearson. Abstain: Stephanie Holland) Motion Carried: 6-0

Discussion of this item ended at approximately 8:47 a.m.

The Board returned to this item at approximately 9:15 a.m.

Deputy Attorney General stated, pursuant to state law, the motion should be amended to prescribe the time period during which Dr. Dennis may not apply for reinstatement. She added that 10 years is the limit.

On motion by Lorraine Benuto, second by Catherine Pearson, the Board of Psychological Examiners revoked the License of G. Brent Dennis, Ph.D., License Number PY0312, in accordance with Nevada Revised Statutes (NRS) 641.230, Grounds for disciplinary action, and restricted his ability to apply for reinstatement for 10 years. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, and Catherine Pearson. Abstain: Stephanie Holland) Motion Carried: 6-0

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.

President Owens presented the following applicants for licensure contingent upon the satisfactory completion of the requirements for licensure: Kimberly Bergman, Jena Casas, Pegeen Cronin, Hector De Los Santos, Yvonne Fritz, Dehnad Hakimi, Kilynda Ray, and Nicholas Thaler.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Board of Psychological Examiners approved the following applicants for licensure contingent upon the satisfactory completion of the requirements for licensure: Kimberly Bergman, Jena Casas, Pegeen Cronin, Hector De Los Santos, Yvonne Fritz, Dehnad Hakimi, Kilynda Ray, and Nicholas Thaler. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Catherine Pearson, and Stephanie Holland) Motion Carried: 7-0

A. (For Possible Action) Discussion and Possible Action to Approve the Request for an Extension of the Registration as a Psychological Assistant of Bernadette Hinojos

Bernadette Hinojos requested a fourth year of registration as a psychological assistant. She would retain the same supervisor, Dr. Quinten Lynn. She previously passed the Nevada state exam but needed to complete the EPPP Parts 1 and 2 to complete the requirements for licensure.

Director Scurry explained that Nevada Administrative Code (NAC) 641.151(3) allows the Board to approve registration of a psychological assistant for additional years beyond a third year.

There were no questions nor further discussion.

On motion by Stephanie Holland, second by Soseh Esmaeili, the Board of Psychological Examiners approved an Extension of the Registration as a Psychological Assistant of Bernadette Hinojos through September 8, 2023. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Catherine Pearson, and Stephanie Holland) Motion Carried: 7-0

B. (For Possible Action) Discussion and Possible Action to Approve the Request for an Extension of the Registration as a Psychological Assistant of Jonathan Campos

Jonathan Campos requested a fourth year of registration as a psychological assistant. He would retain the same supervisor, Dr. Michelle McGuire. He was originally registered in the fall of 2019. He previously passed the Nevada state exam but needed to complete the EPPP to complete the requirements for licensure.

There were no questions nor further discussion.

On motion by Catherine Pearson, second by Monique Abarca, the Board of Psychological Examiners approved an Extension of the Registration as a Psychological Assistant of Jonathan Campos through September 8, 2023. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Catherine Pearson, and Stephanie Holland) Motion Carried: 7-0

C. (For Possible Action) Discussion and Possible Action to Approve a Testing Accommodation for Dr. Sandra Kubicki for the State Examination

Dr. Sandra Kubicki has requested an informal accommodation that would allow her to take a hard copy version of the state exam rather than the online version. She had been licensed for 20 years and previously failed the exam.

Director Scurry explained that this would be the first request of this type and no other applicants had taken the exam by the paper method.

Exam Chair Dr. Holland stated she had mild concern about setting the precedent.

Dr. Woodard asked if there was paperwork related to an accommodation. Director Scurry explained that the request was not related to the ADA but an informal request from the applicant. The applicant is in the process of moving to Nevada from the East Coast.

President Owens suggested that this, and any future requests, be handled on a case-by-case basis. Consideration of approval would be given to the specific facts of the individual making the request.

On motion by Stephanie Woodard, second by Soseh Esmaeili, the Board of Psychological Examiners approved the request of Dr. Sandra Kubicki to take the State Examination in person using a paper version. It was noted that the request was approved based on the extenuating circumstances of the applicant. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Catherine Pearson, and Stephanie Holland) Motion Carried: 7-0

9. (For Possible Action) Discussion of the ASPPB Covid-19 Task Force Emergency Preparedness Document

President Owens explained that the Association of State and Provincial Psychology Boards (ASPPB) Covid-19 Task Force created an emergency preparedness document. She suggested that the Board review the document to potentially implement some of the recommendations of that Task Force. The document will be added to the Board's strategic plan.

On motion by Lorraine Benuto, second by Catherine Pearson, the Board of Psychological Examiners tabled discussion of the Emergency Preparedness document until a future meeting (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Catherine Pearson, and Stephanie Holland) Motion Carried: 7-0

10. (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; and the Provisions of Nevada Administrative Code (NAC) 641.158, Limitations on Number of Assistants, Interns, and Supervisors

(This item was taken out of order.)

The Board considered a proposal to have supervisors of Psychological Trainees, Psychological Interns, and Psychological Assistants register with the Board. President Owens explained that during past strategic planning discussions, questions arose surrounding supervision, the number of supervisees a supervisor could be responsible for, and the qualifications of a supervisor. Through those discussions, current regulations within the Nevada Administrative Code have been reviewed and, when applicable, revisions proposed.

Director Scurry presented proposed revisions to NAC 641.1519, which describes qualifications of supervisors. The proposed revision would add registration of supervisors. The proposed revision would include language related to qualifications of supervisors: "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."

Related to the number of years a supervisor must be licensed in order to supervise, it was proposed that the requirement be removed. Ms. Scurry clarified that the current NAC requires supervisors of psychological assistants be licensed for three years. Supervisors of psychological interns and psychological trainees need only to be licensed in Nevada.

Other proposed revisions included what would be required to complete supervisor registration, including submission of an application and biennial renewal of the registration during licensure renewals. Ms. Scurry added that it was discussed at a previous meeting that no fee should be assessed for registration of supervisors. Supervisors would continue to submit a plan of supervision for each individual supervisee.

Lastly, the definitions of supervisors, primary supervisors, and secondary supervisors have not been determined.

Member Dr. Holland stated that psychological interns have two supervisors and both APA and APPIC require that both are licensed psychologists.

Director Scurry stated that there was a proposal to add language related to supervision of supervisors to ensure that when the supervisor is a psychological assistant or psychological intern, a licensed psychologist is serving as the primary supervisor.

Director Scurry presented proposed revisions to NAC 641.158, which would place limits on the number of supervisees for which an individual supervisor could be responsible. Initially the regulation was proposed for revision due to confusion over its intent and the numbers of supervisees for which a supervisor could be responsible. Following initial discussions, questions to be addressed included if limits should exist, if there should be different limitations on primary versus secondary supervisors, etc.

Member Dr. Benuto described the training and supervision model at the University of Nevada, Reno, where there supervision is separated into a primary and a secondary team of supervisors. She stated that individual limitations as presented could be problematic as several supervisors could be working with each student.

President Owens reminded the Board that limitations are currently in place and that the question is whether limitations should stay in place and/or whether the maximum number of supervisees should be changed.

Member Dr. Woodard stated that there is not a limit on the number of patients that can be seen by a psychologist or psychological assistant/intern/trainee. She asked if the Board should default to the ethical standards prescribed by the Codes of Ethics adopted by the Board. She added that the Board needs to identify what the limitation is and also why the limitation is set at a particular number.

Public Comment:

Dr. Jodi Thomas asked if the question should be "can the supervisor adequately meet the requirements for supervision" versus placing limitations on the number of supervisees.

This item will return at a future meeting.

On motion by Stephanie Woodard, second by Monique Abarca, the Board of Psychological Examiners continued the discussion and possible action of the revision of NAC 641.1519 to the October 2022 meeting. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Monique Abarca, Lorraine Benuto, Stephanie Holland, and Catherine Pearson.) Motion Carried: 7-0

11. (For Possible Action) Discussion and Possible Action to Revise and/or Adopt a Policy on Licensure Renewal, including Continuing Education Requirements

Lisa Scurry, Executive Director, explained that in drafting a policy on license renewal, the difference between an inactive license versus an expired license was reviewed. Prior to completing the new policy, she asked the Board for guidance on how to reactivate those licenses. In the past, both had been handled in the same way – apply for reactivation, pay the fee, and submit proof of continuing education. Director Scurry explained that the problem with that process was that there was no incentive for anyone to make their license inactive and to pay the inactive fee. Her recommendation was that to reactivate an expired license would require the individual to re-apply, including potentially taking the state exam, submitting fingerprints, etc.

There was discussion regarding the process of reactivation, including if there should be a length of time that a license is expired that would change the process. Dr. Lenkeit suggested that reactivation may need to be handled on a case-by-case basis.

Following discussion, Director Scurry stated she would write the policy that reactivation of an expired license would require re-application.

No action was taken and the item will return at the next meeting for further discussion and potential revisions and adoption.

12. (For Possible Action) Discussion and Possible Action to Revise the Fees Schedule (Nevada Administrative Code (NAC) 641.019, Fees) to Clarify fees for the restoration of an inactive license and the initial licensure fee of new licensees

Lisa Scurry, Executive Director, explained that there appears to be an error in the fees schedule posted to the Nevada Administrative Code. Although Nevada Revised Statutes allows for a prorated fee based on the renewal fee to be assessed for new and reactivated licenses, that language does not appear in the NAC. Instead, NAC 641.019 references a one-time fee for new licenses.

Director Scurry proposed bringing the fee schedule to a future meeting once other proposed regulations are drafted as additional changes may be recommended.

Member Dr. Benuto left the meeting at 10:20 a.m.

Member Dr. Woodard left the meeting at 10:30 a.m.

13. (For Possible Action) Discussion and Possible Action to Consider a Process for Providing Temporary Licensure to Applicants for Licensure by Endorsement. Discussion may include provisional licensure and/or revisions to the definition of a Non-Resident Consultant

There was no discussion nor action on this item. It will return on a future agenda.

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

There was no update on this item.

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

Lisa Scurry, Executive Director, explained that the following regulations are scheduled to be considered at the next meeting of the Legislative Commission on Tuesday, September 27, 2022.

- 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 on the 2021-22 Strategic Plan Goals and Objectives

A Board Work Session / Strategic Planning Session will be scheduled following the regular meeting on Friday, November 4.

17. (For Possible Action) Discussion and Possible Action to Provide Direction to Staff and/or the Sub-Committee to Hire an Executive Director Related to the Recruitment and Hiring of a New Executive Director. Discussion may include revisions to the job description and a timeline for posting the job announcement.

There was no discussion nor action taken on this item.

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, October 14, 2022, at 8:30 a.m.

Mr. Ward, Deputy Attorney General, will conduct a one-hour Board training on Friday, October 14 immediately following the regular Board meeting. This a training that falls outside of the posted regular meeting.

19. 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 items.

20. Public Comment

There was no public comment at this time.

21. (For Possible Action) Adjournment

There being no further business, President Owens adjourned the meeting at 10:35 a.m.