

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

Friday, October 14, 2022

Lisa Scurry, Executive Director, explained that due to an issue with the fiber optic wiring at the State of Nevada, the Board's website was not accessible to the general public. As the general public did not have access to the meeting agenda nor the zoom link for the meeting, no action would be taken during the meeting. If needed, a special meeting may be scheduled in the future for any items needing consideration by the Board.

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 8:38 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, and members Stephanie Holland, Monique Abarca, Soseh Esmaeili, Catherine Pearson, Lorraine Benuto were present. Secretary/Treasurer Stephanie Woodard was absent.

Also present were staff members Harry Ward, Gary Lenkeit, Sheila Young, Neena Laxalt, Lisa Scurry, and members of the public Tara Borsch, Brian Lech, and James Tenney.

2. Public Comment.

There was no public comment at this time. Lisa Scurry, Executive Director, stated no public comment had been received by the Board Office.

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 September 9, 2022.

There was no discussion nor action on this item. The minutes will return at a future meeting.

4. Financials

A. (For Possible Action) Discussion and Possible Action to Accept the Final Treasurer's Report for Fiscal Year 2022 (July 1, 2021, Through June 30, 2022).

Lisa Scurry, Executive Director, explained that the Fiscal Year 2022 financials were reconciled. The final balance ended in the positive. Final approval is pending the receipt of the external audit which would be due by December 1, 2022. The Board's

bookkeeper was reviewing the financials as compared to any guidance provided by the auditors. Once that process was complete, the final balance forward from FY22 to FY23 would be determined and presented to the Board.

There was no other discussion and no action was taken.

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

The Fiscal Year 2023 financial report was provided to the Board but was not discussed. Director Scurry stated that, as of September 30, 2022, the checking account balance was \$106,254 and the savings account balance was \$105,017.

No action was taken.

5. Board Needs and Operations

A. Report from the Nevada Psychological Association

Tara Borsch, Nevada Psychological Association, stated that the proposal to register supervisors was discussed by the NPA Board. If they have comments or feedback, it will be provided at a later date.

B. 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.

The meeting calendar for 2023 was presented. The calendar had been posted to the website as well.

Director Scurry explained that the four pending regulations were approved by the Legislative Commission in September, filed with the Secretary of State, and filed with the Nevada State Archives. There were R175-20: Removal of the term "Moral," R127-21: related to Assembly Bill 327 (2021), R128-21: related to Assembly Bill 366 (2021), and R121-21: related to Senate Bill 44 (2021).

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

Neena Laxalt, Board Lobbyist, provided a status update on the upcoming session of the Nevada Legislature. She stated she is beginning to collect information from Legislators about the upcoming session, including potential bill draft requests. The Session will begin in February 2023.

President Owens asked Ms. Laxalt to track and report on any potential legislation related to registration of students for the purposes of health insurance.

6. (For Possible Action) Discussion and Possible Action to Approve the Search for a Hearing Officer to Conduct a Hearing in Case #19-0626 Upon the Recusal of a Majority of Board Members

There was no discussion nor action on this item.

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

As no action could be taken on the following matters, Harry Ward, Deputy Attorney General, provide a summary of their status.

- A. Complaint #19-0626 – This item remained pending.
- B. Complaint #19-0709 – This item remained pending.
- C. Complaint #19-1106 – This complaint will be moved “to file” and removed from future agendas. Mr. Ward explained that the matter was monitored for three years. If there are additional concerns in the future, the file may be re-opened.

No action by the board was needed.

- 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.
- H. Complaint #22-0930 – This item remained pending.

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.

No action could be taken to approve applications for licensure. This item will return at the next meeting of the Board or, if necessary, a special meeting may be called to ensure licensure is not being delayed.

9. (For Possible Action) Discussion and Possible Approval of the Application of Dr. Andrew Carr for a waiver of NAC 641.1519, Requires a Supervisor of a Psychological Assistant be Licensed for 3 Years

Dr. Andrew Carr requested approval to supervise a psychological assistant. He has been licensed in Nevada since 2021 and in California since 2016. NAC 641.1519 states that a supervisor of a psychological assistant must: be licensed by the Board to practice psychology; and have been licensed to practice psychology for 3 years or more.

Lisa Scurry, Executive Director, asked if the intent of the regulation was that a supervisor be licensed in Nevada for 3 years or for 3 years overall. As it was the consensus of the Board that the intent is that a supervisor be licensed in Nevada and have been licensed for at least 3 years total, Dr. Carr did not need approval to be a supervisor.

No action of the Board was necessary.

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

President Owens stated she sent a request to the members of the ASPPB Board Chair ListServe asking if other states register supervisors and/or their post-doctoral students and interns. Many states indicated they do not register post-doctoral students and interns. Some of the states who did register students had a limit of approximately 3 supervisees. Other states left it up to the supervising psychologist to determine what was reasonable for the supervisor.

Member Dr. Holland presented her research into the American Psychological Association (APA) and the Association of Psychology Postdoctoral and Internship Centers (APPIC) requirements for supervision. She found no limit on the number of supervisees allowed. For on-site supervision, an APA-accredited site must have 2 full-time licensed psychologists. APPIC requires a supervisor to be on site at least 20 hours per week.

President Owens asked the members if they had thoughts as to setting a limit on supervisees.

Member Dr. Benuto stated that supervision limits should be based on the ethics code coupled with the time the supervisor has to supervise. She added that too much variability exists among supervisors based on availability, experience, etc., to set a universal rule.

Member Dr. Holland asked if registering supervisors could eliminate the need to limit the number of supervisors.

Dr. Benuto asked if this issue is being discussed due to concerns being raised by supervisees. President Owens responded that there hasn't been a general concern raised but there have been examples of concerns related to inadequate supervision.

There was discussion about NAC 641.152 related to supervision by psychological assistants and interns, as well as specialty areas such as psychiatrists, social workers, etc. Dr. Holland stated that neither APA nor APPIC would allow a non-licensed psychologist to serve as one of the required primary supervisors.

11. (For Possible Action) Discussion and Possible Action to Consider a Process for Providing Temporary or Short-Term Licensure for Applicants for Licensure by Endorsement. Discussion may include creation provisional licensure and/or revisions to Non-Resident Consultant provisions (NRS 641.0295, NAC 641.169)

President Owens presented proposed changes to NAC 641.169 which allows for non-resident consultants to perform certain services in Nevada. The draft regulation has been expanded to allow for temporary practice by telehealth. Areas to be considered include length of practice under temporary licensure and the type of practice.

The regulation was originally proposed to provide a way for individuals seeking licensure to practice while waiting for the licensure process to be completed.

The document was provided to the Board members for review and discussion will resume at a future meeting.

12. (For Possible Action) Discussion and Possible Action to Create a Psychological Assistant (Post-Doctoral) License

President Owens stated the purpose of a proposal to create a psychological assistant license would be to address insurance concerns. Currently, only a licensed psychologist can be paneled. The item was postponed as legislation may be presented during the upcoming Session that could address the concern.

13. (For Possible Action) Discussion of a Request by Licensees that the Board Create a Statement Regarding the Confidentiality of Testing Materials Related to Subpoenas

This item was not discussed.

14. (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

This item was not discussed. It will return on a later agenda.

15. (For Possible Action) Discussion and Possible Action to Revise and/or Adopt a Finance and Budget Procedures Policy

Lisa Scurry, Executive Director, presented the first draft of a new policy related to finance and budgeting procedures. The document seeks to identify budgeting priorities and process, including the disbursement of deferred revenues.

The document was shared for review by the Board and will return following the presentation of the financial audit in November and a thorough review by the bookkeeper.

16. (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, presented the first draft of a new policy related to the renewal process, including the continuing education requirements. She asked the Board to take note of several items during their review: under what conditions may a Board member earn continuing education credit for serving on the Board; can a continuing education course count for more than one of the required categories (ethics, suicide prevention, cultural competency); and what is the process for reactivating a license that has been allowed to expire for non-renewal.

Member Abarca left the meeting at 9:30 a.m.

17. 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 further legislative update.

18. (For Possible Action) Discussion and Possible Action to Approve Posting of the Executive Director Position and 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.

Lisa Scurry, Executive Director, informed the Board that she would be leaving the position in or about January of 2023. As a result, she asked that the position be re-posted and the hiring committee meet in the future to proceed with the hiring process. The hiring committee was previously created and comprised of Dr. Whitney Owens, Dr. Stephanie Woodard, and Dr. Gary Lenkeit.

It was decided that no action would be needed by the Board and that the position could be posted.

19. (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, November 4, 2022, at 8:30 a.m.
- B. A Strategic Planning Work Session of the Board will occur on Friday, November 4, 2022, following the regular Board meeting.

There were no suggested changes to the upcoming meeting schedule.

20. 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.

21. Public Comment

There was no public comment at this time.

22. (For Possible Action) Adjournment

There being no further business, President Owens adjourned the meeting at 9:50 a.m.