

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

November 4, 2022

1. Call To Order/Roll Call to Determine the Presence of a Quorum.

Call to Order: The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, PsyD, at 8:32 a.m. online via "zoom" and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Suite B-116, Reno, Nevada.

Roll Call: Board President Whitney Owens, PsyD, Secretary/Treasurer Stephanie Woodard, Psy.D., and members Stephanie Holland, PsyD, Catherine Pearson, Ph.D., and Lorraine Benuto, Ph.D., were present. Members Soseh Esmaeili, PsyD, and Monique Abarca, LCSW, were absent.

Also present were Rosalie M. Bordelove, Chief Deputy Attorney General, Dr. Sheila Young, Board Investigator, Dr. Gary Lenkeit, Board Investigator, Lisa Scurry, Executive Director, and members of the public: Kay See (Campbell Jones CPA), David Hines (Campbell Jones CPA), Natalie Tolentino, John Etzell (Boys Town Nevada), and Dr. James Tenney.

2. Public Comment.

John Etzell, Boys Town Nevada, made comment regarding improving the pipeline from school to training programs for psychologists. (see attached written comment)
President Owens and Dr. Gary Lenkeit responded with information about the training consortium that exists in Southern Nevada.

Lisa Scurry, Executive Director, stated that no other public comment had been received by the Board office.

3. (For Possible Action) Discussion and Possible Action to Accept the Annual Financial Audit for Fiscal Year 2022 (July 1, 2021 through June 30, 2022) as Prepared by Campbell Jones Cohen CPAs and in Accordance with Nevada Revised Statutes (NRS) 218G.400.

Kay See and David Hines, Campbell Jones Cohen CPAs, presented the annual external audit. The audit received an opinion that it was materially correct, a positive rating.

Ms. See reviewed the "Management's Discussion and Analysis" section, a summary of the finances of Fiscal Year 2022, ending June 30, 2022. Additionally, general notes were presented related to areas including accounting policies; compliance with state laws and regulations, cash, capital assets, leases, mediations, and pensions. A balance

sheet listing the assets and liabilities was provided, including a statement about deferred revenues. The net outcome of income versus revenues was positive.

There was a note regarding the ways in which deferred revenues were recorded and a recommendation that the Board office modify its procedures. This was not a negative finding but a procedural improvement.

There were no questions or comments from members of the Board.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners accepted the Financial Audit for Fiscal Year 2022 (July 1, 2021 through June 30, 2022) as prepared by Campbell Jones Cohen CPAs and in accordance with NRS 218G.400. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

4. Minutes

A. (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.

The minutes of the regular meeting of the Board from September 9, 2022 were presented. There were no comments or questions from the Board.

On motion by Stephanie Holland, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on September 9, 2022. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

B. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on October 14, 2022.

Lisa Scurry, Executive Director, explained that the October 14, 2022 meeting of the Board was not an official meeting and no action was taken by the Board. A power outage at the State resulted in the Board website being unavailable to the public. As a result, on the date of the meeting members of the public did not have access to the agenda and meeting link to join the meeting.

Rather than minutes, a written summary of the regular meeting of the Board from October 14, 2022 was presented. There were no comments or questions from the Board.

On motion by Lorraine Benuto, second by Stephanie Holland, the Nevada State Board of Psychological Examiners accepted the Written Summary of

the meeting of the State of Nevada Board of Psychological Examiners on October 14, 2022. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

5. 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 final fiscal year 2022 showed income in the amount of \$202,007 and expenses, including payroll, in the amount of \$200,299. Following the completion of the external audits, final adjustments will be completed and presented with any suggested changes at the January 2023 meeting. She added that, based on the external audit, the opening balance for Fiscal Year 2022 was changed to reflect an adjusted deferred revenue amount.

On motion by Stephanie Holland, second by Catherine Pearson, the Nevada State Board of Psychological Examiners accepted the Final Treasurer's Report for Fiscal Year 2022. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

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).

Stephanie Woodard, Secretary/Treasurer, and Lisa Scurry, Executive Director, presented the financial report for Fiscal Year 2023. Director Scurry explained that as of October 31, 2022, the checking account balance was \$126,864. Of that amount, \$43,478 would be considered deferred revenue and held until January 1, 2023, leaving an actual balance of \$83,386. Based on the approved budget, 46% of expected revenues through December 31, 2022, had been received. For expected expenses, including payroll, 25% had been paid through the first four months of the fiscal year.

Dr. Woodard stated that the balance forward from Fiscal Year 2022 will be discussed at the January meeting.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2023. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

6. Legislative Update

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

Member Dr. Woodard stated that once the current election cycle has concluded, the filing of bill draft requests for the upcoming legislative session will increase. Workforce development is expected to be a topic of discussion during the Session.

President Owens stated there may be a proposed bill related to commercial insurance billing for psychological assistants. There was no additional information available.

B. (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 gave a brief overview of the purpose and intent behind the proposed change to NRS 641.390. A sponsor was found but the Board's proposal was currently attached to another bill sponsored by that Assemblyman related to telehealth (Item "C" below). No additional update was available but the status will be monitored.

C. (For Possible Action) Discussion and Possible Action to Provide Feedback and/or Recommendations to the Board Lobbyist Regarding a Potential Bill Draft Request Act Related to Telehealth Services by Non-Nevada Licensed Psychologists

Dr. Gary Lenkeit, PsyPact Commissioner, gave an overview of the Uniform Telehealth Act ("Act"), which may be proposed for adoption by Boards dealing with health care. The Act would allow a practitioner from another jurisdiction to practice in Nevada via telehealth after registering with the Board. Dr. Lenkeit expressed concern that, if adopted as currently written, such a practitioner would not have to meet substantial equivalency to the licensure requirements in Nevada with respect to education and training.

A meeting was previously conducted with Board staff, the bill sponsor and representatives of the national organization that drafted the Act. It was hoped that if the Act becomes a bill, it would include language taken from NRS 641.170(1) that describes the qualifications of applicants for licensure in Nevada.

President Owens stated that the Board's proposed bill has been embedded into the proposed telehealth bill. There was discussion about whether other health care Board's in Nevada are aware of this proposed legislation.

This potential legislation will be monitored by the Board's lobbyist.

7. Board Needs and Operations

A. Report from the Nevada Psychological Association (NPA)

Tara Borsh, Nevada Psychological Association, provided an update on the activities of NPA, including continuing education opportunities they are hosting.

B. Report From the Executive Director on Board Office Operations, including licensure renewals.

Lisa Scurry, Executive Director, provided a summary of the activities of the Board office, including the numbers of licensure and registration applications received and approved. She also gave an update on the ongoing licensure renewal process, stating that nearly 100 of the nearly 650 licensees had completed the process.

8. (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

President Owens explained that for Complaint #19-0626, it is believed that a majority of Board members would need to recuse themselves. Director Scurry contacted each Board member separately to notify them of the complainant and respondent's names to confirm whether or not they would need to recuse. She also reminded the Board that similar action was taken in May of 2021 but since then 2 new members had joined the Board.

The following members stated their need to recuse themselves in the matter: President Owens, Dr. Holland, and Dr. Pearson. Director Scurry stated that Dr. Esmaili had previously stated to her that she would need to recuse. That being a majority of the Board, approval was requested for Director Scurry to conduct a search for a hearing officer.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the executive director conducting a Search for a Hearing Officer to Conduct a Hearing in Case #19-0626 Upon the Recusal of a Majority of Board Members. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.)
Motion Carried: 5-0

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

A. Complaint #19-0626. This matter is pending and no discussion occurred.

B. Complaint #19-0709. This matter is pending and no discussion occurred.

C. Complaint #19-1106. Ms. Scurry stated this matter was previously resolved and will be removed from future agendas.

D. Complaint #21-0726. This matter is pending and no discussion occurred.

E. Complaint #22-0321

Dr. Sheila Young, Board investigator, presented the findings for complaint #22-0321. In attempting to get social security disability, the Complainant stated he thought the psychologist would submit the referral. Dr. Young found that it was not the responsibility of a psychologist to make such a referral. That information would have been provided to the patient through Social Security Administration and Nevada Bureau of Disability forms, as well as the informed consent document.

Dr. Young stated this was not a valid matter for a complaint and recommended dismissal. There was no evidence of a violation of Nevada Revised Statutes Chapter 641 or the American Psychological Association (APA) Code of Ethics.

On motion by Stephanie Holland, second by Catherine Pearson, the Nevada State Board of Psychological Examiners dismissed Complaint #22-0321. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

F. Complaint #22-0519

Dr. Sheila Young, Board investigator, presented the findings for complaint #22-0519. In this matter, the Complainant was a parent in a custody dispute. The responding psychologist provided an abundance of documentation in answer to the complaint which was reviewed by Dr. Young and the Board's legal counsel.

There was no evidence found of a violation of Nevada Revised Statutes Chapter 641 or the American Psychological Association (APA) Code of Ethics. Dr. Young recommended dismissal.

Member Dr. Holland recused herself in the matter.

On motion by Woodard, second by Pearson, the Nevada State Board of Psychological Examiners dismissed Complaint #22-0519. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, and Catherine Pearson.) Motion Carried: 4-0

G. Complaint #22-0804. This matter is pending and no discussion occurred.

H. Complaint #22-0930. This matter is pending and no discussion occurred.

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

President Owens presented the following applicants for approval of licensure contingent upon satisfactory completion of licensure requirements: Mark Dillon, Christine Kim, Elizabeth Maines, Viola Mejia, Kimberly Miller, Samuel Montano, Jennifer Wilcox, Jamie Wong, Ta Tanisha Jones, Victor Jordan, and Chelsea Powell.

On motion by Stephanie Woodard, second by Stephanie Pearson, the Nevada State Board of Psychological Examiners approved the following applications for licensure contingent upon satisfactory completion of licensure requirements: Mark Dillon, Christine Kim, Elizabeth Maines, Viola Mejia, Kimberly Miller, Samuel Montano, Jennifer Wilcox, Jamie Wong, Ta Tanisha Jones, and Victor Jordan. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

President Owens recused herself from consideration of the application of Chelsea Powell.

On motion by Stephanie Woodard, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the following application for licensure contingent upon satisfactory completion of licensure requirements: Chelsea Powell. (Yea: Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 4-0

11. (For Possible Action) Discussion and Possible Action to Consider the Request of Patricia Barrera, Ph.D. for an Extension to Complete the Continuing Education Requirements for the current License Renewal Period, ending December 31, 2022, in Accordance with Nevada Administrative Code 641.132(4), Renewal of License

Dr. Patricia Barrera submitted a request for an extension to complete the continuing education requirements for license renewal. The request explained that she had experienced several medical and family issues over the past few months. She initially requested an extension in the Spring of 2022 but the Board asked to delay review until the renewal period began. Since then, Dr. Barrera completed 6 credits and was registered for an additional 19, including 15 live courses and both the cultural competency and suicide prevention requirements.

Although she expects the courses to be completed in December, the request would provide her additional time should her health require it. She expected that the only requirement for which she may need additional time would be the 6 credits in ethics.

Nevada Administrative Code 641.132 allows for a 60-day extension, until March 1, 2023, with approval of the Board.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the request of Dr. Patricia Barrera for an extension until March 1, 2023 to complete the continuing education courses required as part of licensure renewal. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.)

Motion Carried: 5-0

12. (For Possible Action) Discussion and Possible Action to Consider the Request of Abbey-Robin Durkin, Ph.D. for an Extension to Complete the Continuing Education Requirements for the current License Renewal Period, ending December 31, 2022, in Accordance with Nevada Administrative Code 641.132(4), Renewal of License

Dr. Abbey-Robin Durkin requested a waiver of the live continuing education requirement for license renewal. Rather than completing 15 live and 15 home study courses, she asked to complete the 30 required credits by home study. Dr. Durkin is currently serving in the Air Force in Japan and her request was due to the time difference and the resulting difficulty accessing live courses. In addition to the Air Force, she also works in a clinic resulting in a schedule where she works double shifts three nights a week. She expected that at the end of the year-long commitment she will not have an issue meeting the requirements during the next renewal period.

President Owens asked if waiving the live requirements creates harm for the public, if a message would be sent that live credits are not necessary, and/or if a precedent would be set for future renewal periods.

Member Dr. Woodard asked what would happen if the request was not approved. Director Scurry responded that she would not be able to practice as of January 1, 2023 because the license would move to inactive. Dr. Durkin is not licensed in any other jurisdiction, which would be a requirement for her continued practice within the Air Force.

President Owens summarized potential options: Deny the request; approve the request allowing her to submit all credits as home study; have her submit 15 home study credits and provide an extension to complete the other 15 over the course of 2023.

Member Dr. Holland asked if the number of live credits could be reduced and a 60-day extension of time provided.

President Owens suggested, and Dr. Benuto agreed, a 60-day extension be provided with no waiver of the 15 live credits.

Member Dr. Woodard stated appreciation for the validity of request but was in favor of providing the time extension to allow the Board to uphold the standard.

Following discussion, the Board chose to provide a 60-day extension, keeping the standard in place. Dr. Durkin would have until March 1, 2023 to complete the continuing education requirement and would be required to complete 15 live credits.

Nevada Administrative Code 641.132 allows for a 60-day extension, until March 1, 2023, with approval of the Board.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved Dr. Abbey-Robin Durkin for an extension until March 1, 2023 to complete the continuing education courses required as part of licensure renewal with at least 15 credits being live. (Yea: Whitney Owens, Stephanie Woodard, Lorraine Benuto, Stephanie Holland and Catherine Pearson.) Motion Carried: 5-0

Member Dr. Benuto left the meeting at 10:25 a.m.

13. (For Possible Action) Discussion and Possible Action to Revise the Provisions of Nevada Administrative Code (NAC) 641.1519, Qualifications of supervisor, to Require Registration of Supervisors of Psychological Trainees, Psychological Interns, and Psychological Assistants; and the Provisions of Nevada Administrative Code (NAC) 641.158, Limitations on Number of Assistants, Interns, and Supervisors

President Owens provided a summary of discussion related to supervision during the recent annual meeting of the Association of State and Provincial Psychology Boards (ASPPB). She shared that the range of discussion showed a wide range of philosophies across the country with respect to supervision and registration of supervisors.

The proposal to register supervisors and clarify limits on supervision is a result of confusion surrounding the rules of supervision. The proposed regulation seeks to provide clarity to the rules.

The Board previously discussed the idea of defining the primary supervisor and how that would be done in a way that makes sense. There was discussion about the various types of training sites and that the universities have a multi-tiered system of supervision that would be different from most other sites. In that setting there are many opportunities for training and the availability of multiple supervisors. Having the same rules outside of the university setting becomes difficult and could result in fewer safety measures being in place for the public. The Board also discussed the need to be mindful of the language around a psychological assistant being the supervisor of an intern or trainee.

Member Dr. Holland asked if it would be possible to create a separate process for supervisors at universities versus other sites. She expressed concern about some of the changes and how they could impact sites.

There was discussion about the purpose of creating the regulation and mandating supervisor registration. President Owens summarized that registration will allow the Board to collect data on the number of available supervisors, increase communication with supervisors and supervisees, and clarify the responsibilities of supervisors.

It was suggested that a work group of key stakeholders be created. Dr. Pearson agreed, adding that this would allow other licensees to assist in creating a potential registration process.

Creation of a work group will return on the next meeting agenda.

14. (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)

There was no discussion on this item. It will be removed pending discussion during the upcoming Legislative Session of proposed changes related to telehealth.

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

There was no discussion on this item. It will be removed pending discussion during the upcoming Legislative Session of proposed changes related to commercial insurance and empanelment of supervisees.

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

There was no discussion on this item. Director Scurry explained that it was placed on the agenda at the request of a licensee. The request was that the Board create a position statement related to subpoenas for testing materials, the confidential nature of those materials, and the associated ethics concerns. Such confidentiality is included in the APA Code of Ethics. She suggested the Board not create any position statement or state an opinion at that time, particularly since the Board's attorney was not present.

17. (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 draft policy related to licensure renewal. The policy describes license types – active, inactive and expired; methods for reactivating a license, and continuing education requirements. It was reviewed by Board member Monique Abarca, Continuing Education Chair. She suggested no changes to the draft document.

Director Scurry explained that final approval will not be sought until the current renewal period is concluded. That will allow the full process to be considered in the document. The policy will be presented for adoption at a future meeting.

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, December 2, 2022, at 8:30 a.m.

Due to member scheduling conflicts, the meeting of Friday, December 2, 2022 will begin at 8:00 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 agendas.

20. Public Comment

There was no public comment at this time.

Before departing the meeting, Member Dr. Benuto asked if a doctoral student was charged with plagiarism, if that student would need to indicate on the application "yes" to the question about any investigations or charges of unethical behavior. While the Board could not discuss the question, it was suggested that Dr. Benuto send the question to the Board office for the Board's counsel to review and respond.

21. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 10:55 a.m.

From: [Etzell, John P.](#)
To: [NBOP ED](#)
Subject: Public Comment
Date: Friday, November 4, 2022 8:10:41 AM

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning State of Nevada Board of Psychological Examiners,

Please see below comments for Public Comment at the 11/4/22 meeting:

As an organization that is committed to improving the mental health of the clients we serve, I am proud to say that we employ 4 full time psychologists here in Las Vegas and have a positive partnership with UNLV, taking Externs, and offer Post-Doctoral opportunities. I would love to see more work being done around improving the pipeline of talent coming into Las Vegas and Nevada to put down roots and stay. In researching what other major metropolitan areas are doing, I keep coming across one area that we fall short in. That's having a consortium available. Is there a reason we don't?

I would propose that we work together to find a solution to this and I am happy to help start the process, knowing it will take time to set up. We need to continue to do EVERYTHING we can to attract more talented individuals to Nevada as we possibly can. Boys Town is committed to working on ideas that will further support our kids and families! I can be reached at john.etzell@boystown.org or on my cell phone .

John

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