

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS

MEETING MINUTES

April 1, 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 Monique Abarca, LCSW, and Stephanie Holland, PsyD, were present. Member Soseh Esmaeili, PsyD, was absent.

Also present were Harry Ward, Board counsel and Deputy Attorney General, Dr. Gary Lenkeit, Board Investigator, Sheila Young, Board Investigator, Neena Laxalt, Board Lobbyist, Lisa Scurry, Executive Director, and members of the public: Sara Hunt 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 as of the start of the meeting.

3. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on March 4, 2022.

The minutes of the regular meeting of the Board of Psychological Examiners from March 4, 2022, were reviewed by the Board. Two typos were discovered and corrected. The first was a misspelling of Dr. Young's name as part of the roll call; and the second was an incomplete sentence on page 9 that was removed.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on March 4, 2022, as revised. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

4. 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 monthly financial report. As of March 28, 2022, the checking account balance was \$144,790.05. Of those funds, \$81,607.15 would be retained and used for the 2023 Fiscal Year. That left a remaining operating balance of \$63,182.90 for the final three months of the 2022 fiscal year. She added that the savings account has a balance of \$104,992.80.

She explained there were no unexpected revenues or expenses during the previous month. To date, approximately 66% of expenses had been paid. A savings in payroll expenses will be seen for the months of April – June 2022 as the executive director salary will decrease by approximately \$10,000. A similar savings will be seen in the PERS expenses. The legal budget exceeded the full budgeted amount after 8 months. As one legal matter had been resolved, it is predicted that the final expenditures will exceed what was budgeted by between \$25,000 – 30,000.

It was estimated that Fiscal Year 2022 will end with a shortfall of between \$5,000 \$7,500. That money will appear as an opening expense for the Fiscal Year 2023 budget but should be recouped when licensure renewal begins in October 2022. Assuming there is an increase in the number of license renewals, Ms. Scurry explained that there should be sufficient funds to absorb that loss and to function within budget going forward.

Secretary Treasurer Woodard added that she, Ms. Scurry, and the Board's bookkeeper are working on the next year's projections. She added that the new budget will look different than the past template due to the accounting of deferred revenues.

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

5. Board Needs and Operations

A. Report from the Nevada Psychological Association

Dr. Sara Hunt, past president of the Nevada Psychological Association, provided an update that group's activities. That included the elections for both the NPA executive and regional boards. She added that in future, the new representative to the Board of Psychological Examiners will be Dr. Tara Borsch.

B. Report From the Executive Director on Board Office Operations, including information regarding vacancies on the Board

Lisa Scurry, Executive Director, provided an overview of the activities of the Board office including the numbers of licenses earned and applications received. Additional statistics included the number of complaints received, background checks reviewed, and continuing education applications reviewed and approved by the office.

Ms. Scurry reported that the Board office has been notified that the Governor's office is reviewing application for new members to the Board. It was expected that the two vacancies would be filled in the next 1-2 months. Additionally, two of the current members' terms would be expiring at the end of June.

Revisions to the Non-Resident Consultant application were presented. As the document was not on the agenda, no discussion was held but the document was distributed and posted for the public. It will return to a future meeting for action to approve the changes to the review procedures. Primarily, Ms. Scurry explained, she would be requesting the assignment of a Board member to partner in the review of the applications.

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

Neena Laxalt, Board lobbyist, provided an update on the activities of the interim committees of the Nevada Legislature. She reported that there has been little discussed that would impact the work of the Board.

Member Stephanie Woodard provided an update on the Interim Health Committee. That committee is working on potential changes that could impact the Board related to workforce development.

6. (For Possible Action) Discussion and Possible Action to Provide a Letter of Nomination of Dr. Michelle Paul as President Elect of the Association of State and Provincial Psychological Boards (ASPPB) Board of Directors

President Owens explained that former Board President Dr. Michelle Paul has asked for a letter of recommendation as part of her application as President Elect of the Association of State and Provincial Psychological Boards (ASPPB) Board of Directors. President Owens asked that the Board take action to support providing the recommendation.

Member Stephanie Holland added that the ASPPB would be lucky to have Dr. Paul as President Elect.

Dr. Lenkeit stated that he had also written a letter of recommendation for Dr. Paul.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners supported the nomination of Dr. Michelle Paul as President Elect of the Association of State and Provincial Psychological Boards (ASPPB) Board of Directors and directed the Board President and Executive Director to Provide ASPPB with a Letter of Nomination. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

7. (For Possible Action) Discussion and Possible Action to Provide Guidance on Matters Related to the Covid-19 Pandemic and Governor Sisolak's Directive 011. Discussion May Include Options for Temporary Licensure to Ensure Continuity of Care for Patients Being Seen by Out-Of-State Providers when the Provisions of Directive 011 Expire, Licensure Renewal, Continuing Education Credits, Supervision Concerns, Obtaining Clinical Hours for Licensure, and the Use of Telepsychology and Interjurisdictional Practice.

Member Dr. Woodard stated that there was no definitive date for the end of the public health emergency, including an expiration of Directive 011. Two workforce surveys were developed by the Department of Health and Human Services. One is to be completed by the Board and the second by the registrants under the Directive. The latter will be related to the care being provided to patients in Nevada, continuity of care once the directive expires, and workforce development expansion.

Lisa Scurry, Executive Director, explained that the Board office has been in communication with the Directive 011 registrants. They received emails alerting them that the Directive could end without notice, and encouraging that they either become licensed in Nevada or registered with PsyPact, and/or otherwise assist their patients with continuity of care. She added that approximately 12 of the registrants practicing under the Directive had already applied for licensure.

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

Harry Ward, Deputy Attorney General, provided an update on the items below.

- A. Complaint #19-0626.** This matter was pending a potential hearing.
- B. Complaint #19-0709.** This matter was pending a potential hearing.
- C. Complaint #19-1106.** This matter was being monitored and may be dismissed.
- D. Complaint #19-1223.** This matter was being monitored and may be dismissed.
- E. Complaint #20-0501.** There was no update on this complaint.
- F. Complaint #20-0818.** There was no update on this complaint.
- G. Complaint #20-0819.** There was no update on this complaint.
- H. Complaint #20-0524.** There was no update on this complaint.
- I. Complaint #21-0726.** There was no update on this complaint.
- J. Complaint #22-0121.** There was no update on this complaint.
- K. Complaint #22-0321.** There was no update on this complaint.

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).

President Owens presented the names of applicants to be considered for approval of licensure, contingent upon satisfactory completion of requirements: Brad Barcklay, Jaynann Barcklay, Erika Frieze, Tracy Hardister, Ashley Kirby-Ward, Sandra Kubicki, Michelle Mercurio, Jasmine Reed, David Robinson, Cyndy Soto-Lopez, Christine Treece, and Christine Winter.

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of licensure requirements: Brad Barcklay, Jaynann Barcklay, Erika Frieze, Tracy Hardister, Ashley Kirby-Ward, Sandra Kubicki, Michelle Mercurio, Jasmine Reed, David Robinson, Cyndy Soto-Lopez, Christine Treece, and Christine Winter. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

A. (For Possible Action) Discussion and Possible Action to Approve the Registration of Dr. Alyssa Newman as a Psychological Assistant, until licensure as a psychologist has been completed, and not longer than July 1, 2022

This item was removed with no action taken as Dr. Newman was practicing under Directive 011 until licensure could be completed in the next few weeks.

B. (For Possible Action) Discussion and Possible Action to Approve the Licensure of Dr. Lori Haggard, contingent upon the final review and approval of the Application Tracking Equivalency and Mobility (ATEAM) Committee at their upcoming meeting

Lisa Scurry, Executive Director, explained that Dr. Lori Haggard was directed by the Board's Application Tracking Equivalency and Mobility (ATEAM) Committee to pass the EPPP Part-1 and the State Exam in order to be eligible for licensure, which she had done.

Ms. Scurry asked for approval of the application contingent upon final review and approval by the ATEAM committee.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the Licensure of Dr. Lori Haggard, contingent upon the final review and approval of the Application Tracking Equivalency and Mobility (ATEAM) Committee at their upcoming

meeting. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

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

President Owens explained that she will present information about the creation of a Master's Level license at the upcoming ASPPB mid-year conference. She added that it was her intention to represent the conversations the Board has had regarding the topic.

Member Dr. Holland stated she was interested in hearing the outcome of the conversation at the conference and the feelings of other jurisdictions.

11. (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

The Board has discussed at past meetings a proposal to require the registration of supervisors of psychological trainees, psychological interns, and psychological assistants. The proposal included defining supervisor requirements and the process for registration.

12. (For Possible Action) Discussion and Possible Action to Allow Psychological Trainee Applicants and Psychological Intern Applicants to Take the EPPP Exams Rather than Waiting Until Becoming a Post-Doctoral Psychological Assistant

President Owens presented a proposal that psychological trainees and psychological interns be allowed to take the EPPP Part-1. Currently, psychological assistants and psychological interns who are registered with the Board can register to take the exam.

Based on conversations with ASPPB, it was suggested that psychological trainees and psychological interns who wish to take the exam must have applied and paid the application fee with the Board. They would not, however, need to complete registration.

Director Scurry explained that application would be required to ensure the Board has the individual's information for the purposes of registration for the exam. She added that the application fee wouldn't necessarily be necessary as the impact on the Board office would be minimal.

President Owens stated that individuals, under those conditions, would have to understand they are not registered with the Board and could not practice as a registered trainee or intern.

Member Dr. Woodard stated the Board office closely monitor the impact to the office duties. After six months, the process should be re-evaluated as to whether an application fee should be assessed or not.

Director Scurry reminded the Board that action was taken in 2021 to allow registered psychological interns to take the EPPP Part-1. To date, no intern has requested to take the exam.

Dr. Holland suggested an application and procedure be developed and brought to the Board for review and approval at a future meeting.

13. (For Possible Action) Discussion and Possible Action to Review and Revise the Board Policy Entitled, "Executive Director Employment, Compensation, and Evaluation"

The current personnel policy was reviewed by the Board at the March meeting with additional changes requested. Director Scurry presented those revisions related to the probationary period for a new hire, and allowable vacation and sick time.

There was discussion about whether the probationary period for a new executive director, in particular, should be three months or six months. It was decided the probationary period would be six months "unless otherwise adjusted by action of the Board."

The next suggested change was related to the allowable number of saved vacation days. At the March meeting, it was proposed that vacation days could not be saved beyond the fiscal year, with any extra days being left. As the revision did not accurately reflect the direction of the Board, this section was not approved and will be discussed at the May meeting of the Board.

Member Woodard proposed adding language that prior approval of the Board or the Board president would be needed if a week or longer of vacation time is requested. President Owens recommended the Board approve such requests, rather than the Board president.

Director Scurry suggested she make the additional revisions, provide it to the members to review, and then bring the document to a future meeting for possible approval.

14. (For Possible Action) Discussion and Possible Action to Review, Make Adjustments to and/or Approve the Performance Evaluation of Executive Director Lisa Scurry

President Owens presented the performance evaluation of Lisa Scurry, Executive Director. Overall, the evaluation was rated at outstanding, with no individual category being rated below satisfactory. President Owens commented that the suggestions and feedback of the Board from the 2021 evaluation were mostly implemented. She added that feedback from licensees had been positive.

Harry Ward, Deputy Attorney General, commented that the assistance of the executive director on legal matters has been very helpful and positive.

Members Holland and Woodard, and Board Investigators Sheila Young and Gary Lenkeit also made comment in support of a positive performance evaluation of Director Scurry.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the Performance Evaluation of Executive Director Lisa Scurry. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

15. 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 taken out of order.)

Lisa Scurry, Executive Director, explained that a bill to mandate psychologists in the employ of the Nevada Corrections Department be licensed, continues to be discussed. A group consisting of members of the Corrections Department and the State's Human Resources division have been meeting to discuss the potential fiscal implications. That information will be provided to Neena Laxalt, the Board's lobbyist, as she seeks a sponsor for the potential legislation in the 2023 session.

President Owens added that the purpose of the change is to better inform both inmates and members of the public about who is providing mental health services.

16. (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

A. R058-19: Endorsement Language

Director Scurry informed the Board that following conversations with the Legislative Counsel Bureau, a regulation related to licensure by endorsement was found to not be needed. She explained that as the Board had previously adopted procedures for processing such applications, the proposed regulation was found to be redundant and confusing. As a result, she recommended deleting the proposed regulation (LCB File #R058-19, #R031-22).

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners deleted the proposed regulation (LCB LCB File #R058-19, #031-22) and stopped the adoption process. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

B. R122-21: Behavior Analysts...

Director Scurry explained that she had a phone call from the Legislative Counsel Bureau informing her that the Board no longer has the authority to remove language related to behavior analysis, behavior analysts, etc., as the legislature created a Board for their oversight. As a result, the LCB will handle removing those references from Nevada Administrative Code Chapter 641. As a result, she recommended deleting the proposed regulation (LCB File #R122-21).

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners deleted the proposed regulation (LCB LCB File #R122-21) and stopped the adoption process. (Yea: Whitney Owens, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carried: 4-0

- C. R175-20: Removal of "Moral".** The Board will conduct an administrative hearing on May 2022.
- D. R127-21: Regulations related to Assembly Bill 327.** The Board will conduct an administrative hearing on May 2022. Director Scurry explained that the draft of this regulation had not been received. If it is not received in time, the hearing will be moved to a future meeting.
- E. R128-21: Regulations related to Assembly Bill 366.** The Board will conduct an administrative hearing on May 2022.
- F. R121-21: Regulations related to Senate Bill 44.** The Board will conduct an administrative hearing on May 2022.

17. (For Possible Action) Discussion of U.S. District Court Case 2:20-CV-00651-KJD-VCF Where the State of Nevada Board Psychological Examiners is a Named Defendant.

Harry Ward, Deputy Attorney General, stated that this matter was dismissed based on a motion for summary judgment in favor of the Defendants. Unless the Respondent files a motion to appeal, this item will be removed from future agendas.

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, May 6, 2022, at 8:30 a.m.
- B. The Board will conduct a Hearing for the Adoption of Regulations of the State of Nevada Board of Psychological Examiners on Friday, May 6, 2022, at 8:30 a.m.

- C. The Board has tentatively scheduled a meeting on May 20, 2022, at 8:30 a.m. to select a new Executive Director to the Board.

There were no conflicts or suggested changes to the above dates.

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

Harry Ward, Deputy Attorney General, suggested a Board training be scheduled in July to include Open Meeting Law and administrative hearings.

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 10:13 a.m.