

**PUBLIC NOTICE OF A MEETING FOR  
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS**

DATE OF MEETING: Friday, November 3, 2023                      Time: 10:00 a.m.

The meeting of the State of Nevada Board of Psychological Examiners (Board) will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at <https://us06web.zoom.us/j/87225051098>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID:

**872 2505 1098**. The meeting may also be attended 4600 Kietzke Lane, Suite G-160, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

The Board will accept public comment via email. Those wishing to make public comment should email their public comments to the Board office at [nbop@govmail.state.nv.us](mailto:nbop@govmail.state.nv.us). Written public comments must be received prior to the start of the meeting and will be forwarded to the Board for their consideration. Public comments will be included in the public record (meeting minutes) but will not necessarily be read aloud during the meeting. In compliance with Nevada Revised Statutes (NRS) Chapter 241 (Open Meeting Law), the Board is precluded from taking action on items raised by public comment which are not already on the agenda.

The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting may be removed from the meeting. (NRS 241.030(5)(b)). The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

**AGENDA**

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

**2. Public Comment.** Note: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

**3. (For Possible Action) Workshop to Solicit Comments on a Proposed Regulation (See Attachment A); and Possible Action to Forward the Proposed Regulation to a Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B**

- A. Supervision of Psychological Assistants, Psychological Interns, and Psychological Trainees -- revising the qualifications of a supervisor in NAC 641.1519.
- B. Requirements of supervision – revising and clarifying the requirements of supervision in NAC 641.152.
- C. Limitations on supervision – revising and clarifying NAC 641.158’s limitations on the number of trainees a supervisor may supervise.
- D. Supervisor availability – revising the requirements of R074-18 (effective January 30, 2019) regarding the availability of supervisors.
- E. Psychological testing – revising NAC 641.168 to permit unlicensed personnel who perform certain testing to refer to themselves as “psychometrists.”

**4. Minutes. (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 13, 2023.**

**5. Financials**

- A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer’s Report for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).

## 6. Legislative Update

- A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the Nevada Legislature, and any position or action the Board may take on or in response to Bills that have been signed into Law, Legislative Bills, and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

## 7. Board Needs and Operations

- A. Report from the Nevada Psychological Association.
- B. Report From the Executive Director on Board Office Operations.

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

- A. Complaint #19-0626
- B. Complaint #22-0930
- C. Complaint #23-0303
- D. Complaint #23-0612
- E. Complaint #23-0801
- F. Complaint #23-0822
- G. Complaint #23-0905
- H. Complaint #23-0918

## 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. *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the*

*application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.*

## PSYCHOLOGISTS

Dalea Alawar	Megan Farnsworth	Patricia Keeler	Kilynda Ray
Mary Lou Ancheta	Leslie Feil	Daphne Kendricks	Tatsiana Razzhavaikina
Robert Antonacci	Nichole Flowers	Kristopher Kern	Keri Ross
Ashley Arcoleo (Wilkins)	Judy Fluor Runels	Christine Kim	Benjamin Rubin
Erick Arguello	Stephen Francis	Donald Kincaid	Malia Sanchez
Rachel Attya	Gila Frank	John King	Gail Shen
Quintin Bailey	Vanessa Fuentes	Ashley Kirby-Ward	Samantha Sherwood
John Barona	Maiken Gale	Sandra Kubicki	David Shoup
Kimberly Bergman	Elena Gavrilova	Monica Larson	Nancy Small
Dallas Boyce	Matthew Gibbons	Timothy Law	DeAnn Smetana
Sarah Brennan	Dov Gold	George Lazo	Krystal Smith
RaelLynn Brister	Meghan Goulet	Karen Levine	Michael Stein
Amara Brook	Peter Grover	Jessica Liberman	Tony Strickland
Ramona Burroughs	Stephanie Gstettenbauer	George Lough	Jessica Taverniti
Jonathan Campos	Dehnad Hakimi	Vanessa Ma	Donna Truong
Leandrea Caver	Nathan Hale	James Madero	John Tsanadis
Christina Cendejas	Mary Herzog	Alexandra Matthews	Michael Villanueva
Colleen Character	Alexia Holovatyk	Viola Mejia	Ina Von Ber
Filippo Cieri	Clairissa Hunter	Samuel Montano	Ann Watters
Steven Covelluzzi	Courtney Hutchinson	Alexandra Montesi	Jessica Weis
Candy Crawford	Alberto Ibarra	Luzviminda Morrow	Michael Whitman
Pegeen Cronin	Rachel Irish	Nicolle Napier-Ionascu	Jennifer Wilcox
Osvelia Deeds	Billie Ivra	Ana Ochoa	Michele Wilkens
Nicola De Paul	Saira Jhorn	Akira Olsen	Stephen Winston
Adrienne DiFabio	Lori Johnson	Brian Olsen	Christine Winter
Mark Dillon	Samantha Johnson	Stephanie Orbon	Jamie Wong
Mary Dinerman	Margaret Jones	Jonathan Page	Gordon Zilberman
Alana Duschane	Natalie Jones	Kathryn Pesch	
Christopher Estep	Ta Tanisha Jones	Daniel Pott-Pepperman	
Kathleen Fahrner	William Kaiser	Rachel Powers	
	Carolyne Karr	Norma Ramirez-Miranda	

## PSYCHOLOGICAL ASSISTANTS

Jeffrey Aguiar	Samantha del Castillo	Kayla Kaiser	Jacquelyn Rinaldi
Ramy Bassioni	Emerson Epstein	Richelle Konczak	Shannon Rojas
Dallas Boyce	Evan Fertel	Dorota Krotkiewicz	Farnaz Samavi
Brian Broomand	Jacqueline Friar	Taylor Levine	Daniela Sandelin
Tyler Camaione	Grady Gallagher	Laura Litynski-Vitencz	Coreen Schwartz Starr
Candis Carswell	Michelle Gaston	Alexandra Miguel	Katherine Stypulkowski
Rosy Chavez-Najera	Milagro Gonzalez	Desiree Misanko	Holly Summers
Taylor Chille	Kimberly Gray	Luzviminda Morrow	Heather Thompson
Ashley Colson	Jennifer Grimes-Vawters	Blake Oldfield	Christine Vaughan
Althea Cook	Joseph Henrich	Dylena Pierce	Marijo Villano
Jessica Crellin	Kelly Humphries	Eric Prince	Kelsey Zaugg
Kaleb Cusack	Courtney Hutchinson	Leilani Puentes	

### PSYCHOLOGICAL INTERNS

Lorraine Apodaca	Tiffany Hunter	Erica Marino	Candice Thomas
Shannon Colon	Jessica Jensen	Coreen Schwartz	Richard Warmke
Mario De Souza	Jeanine Johnson	Ruby Sharma	Charlotte Watley
Paola Garcia Betancourt	Lauren Johnson	Jasmin Smith	Rachel Wiggins
Michelle Gaston	Shalini Kabeer	Barbara Sommer	Toi Williams
Michelle Harden	Kayla Kaiser	Megan Tedrow	

### PSYCHOLOGICAL TRAINEES

Marissa Alvarez	Kinsey Ellis	Jessica Jensen	Shannon Sagert
Vanni Arcaina	Michael Fensken	Cynthia Johnston	Christine Salva
Glenn Blessington	Leila Gail	Lee Haeun	Mary Smirnova
Dominique Cheung	Paola Garcia Betancourt	Julia Maranville	Madison Thomasson
Adaeze Chike-Okoli	Grace Goodwin	Nicole Martinez	Teresa Walker
Kieffer Christianson	Kaelyn Griffin	Michael McNamara	Bailey Way
Anna Cole	Brandon Hunley	Sara Moore	Jessica Woodyatt
Aimee D'Errico	Madison Hurley	Karisa Deandra Odrunia	
Erin Dunn	Bianca Islas	Ananda Peixoto-Couto	
Jacqueline Eddy	Todd Jennings	Jason Sadora	

- A. (For Possible Action) Discussion and Possible Action on approving the ATEAM's recommendation to approve Adaeze Chike-Okoli's application to register as a Psychological Trainee.
- B. (For Possible Action) Discussion and Possible Action on approving the ATEAM's recommendation to approve Dr. Courtney Hutchinson's application to register as a Psychological Assistant contingent on completing her internship hours.
- C. (For Possible Action) Discussion and Possible Action on approving the ATEAMS recommendation to approve Jessica Jensen's application to register as a Psychological Intern.
- D. (For Possible Action) Discussion and Possible Action on approving the ATEAM's recommendation to approve Dr. Leandrea Caver's application for Licensure.
- E. (For Possible Action) Discussion and Possible Action on approving Dr. Vanessa Ma's application to retake the EPPP-2 and to extend her Psychological Assistant Registration.
- F. (For Possible Action) Discussion and Possible Action on approving Dr. Bernadette Hinojos's application to extend her registration as a Psychological Assistant.

**10. (For Possible Action) Discussion and Possible Action on the Board’s Disciplinary and Complaints Policy and Regulations.**

- A. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board’s Complaints and Disciplinary Policy.
- B. (For Possible Action) Discussion and Possible Action on creating regulations to establish a limitations period for filing complaints and for resolving complaints.

**11. (For Informational Purposes Only) Presentation by Dr. Hao Song, psychometrist for the ASPPB, on the EPPP-1 and EPPP-2.**

**12. (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.**

- The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, December 8, 2023, beginning at 8:00 a.m., but needs to be rescheduled to December 15, 2023, beginning at 8:00 a.m.

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

**14. Public Comment** - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

**15. (For Possible Action) Adjournment**

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The Board may recess for lunch for approximately one hour, at a time to be determined.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If such arrangements are necessary, please contact the board office at (775) 688-1268 no later than 4 p.m. on Thursday, November 2, 2023.

For supporting materials, visit the Board's website at <http://psyexam.nv.gov/Board/> or contact the Board office by telephone (775-688-1268), e-mail ([nbop@govmail.state.nv.us](mailto:nbop@govmail.state.nv.us)), or in writing at Board of Psychological Examiners, 4600 Kietzke Lane, Suite B-116, Reno, Nevada 89502.

In accordance with NRS 241.020, this public meeting notice was properly posted at or before 8 a.m. on Tuesday, October 31, 2023, at the following locations:

- Board office located at 4600 Kietzke Lane, Bldg. B-116, Reno;
- Nevada Public Notice website: <https://notice.nv.gov/>; and
- Board's website at [https://psyexam.nv.gov/Board/2023/2023\\_BOARD\\_MEETINGS/](https://psyexam.nv.gov/Board/2023/2023_BOARD_MEETINGS/).

In addition, this public meeting notice has been sent to all persons on the Board's meeting notice list, pursuant to NRS 241.020(3)(c).

# **Attachment A**



**STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS**  
**NOTICE OF WORKSHOP TO SOLICIT COMMENTS**  
**ON PROPOSED REGULATIONS**

DATE OF MEETING: Friday, November 3, 2023                      Time: 10:05 a.m.

The Nevada State Board of Psychological Examiners is proposing the amendment of certain regulations in Chapter 641 of the Nevada Administrative Code.

A workshop has been scheduled for Friday, November 3, 2023, at 10:05 a.m. The workshop will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at: <https://us06web.zoom.us/j/87225051098>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **872 2505 1098**. The meeting may also be attended at 4600 Kietzke Lane, Suite G-160, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed regulation revisions:

- Supervision of Psychological Assistants, Psychological Interns, and Psychological Trainees -- revising the qualifications of a supervisor in NAC 641.1519.
- Requirements of supervision – revising and clarifying the requirements of supervision in NAC 641.152.
- Limitations on supervision – revising and clarifying NAC 641.158’s limitations on the number of trainees a supervisor may supervise.
- Supervisor availability – revising the requirements of R074-18 (effective January 30, 2019) regarding the availability of supervisors.
- Psychological testing – revising NAC 641.168 to permit unlicensed personnel who perform certain testing to refer to themselves as “psychometrists.”

Language has been developed outside of the workshop and will be discussed during the workshop. If you are unable to attend the workshop but wish to submit any questions, concerns or general input, please submit them in writing to the Board office State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, B-116 Reno, Nevada

89502 or NBOP@govmail.state.nv.us, not later than Thursday, November 2, 2023, at 5 p.m. All statements received will be provided to the Board during the workshop.

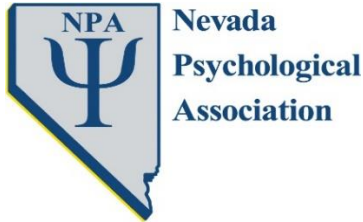
Please contact the Board office if you are interested in reviewing the language that will be presented to the Legislative Counsel Bureau (LCB).

This Notice of Workshop to Solicit Comments on Proposed Regulation has been properly posted at or before 8:00 a.m. on Thursday, October 19, 2023, at:

- the Board office located at 4600 Kietzke Lane, Bldg. B-116 in Reno,
- the Nevada Public Notice website ([notice.nv.gov](http://notice.nv.gov)),
- the Board's website ([https://psyexam.nv.gov/Board/2023/2023\\_BOARD\\_MEETINGS/](https://psyexam.nv.gov/Board/2023/2023_BOARD_MEETINGS/)), and
- the Nevada Legislature's notice website (<https://www.leg.state.nv.us/App/Notice/A/Submit>)

Notice has also been sent to all persons on the agency's mailing list for administrative regulations.

Date: October 18, 2023



**Advocating for Psychologists in Nevada**  
The Nevada Psychological Association  
P.O. Box 400671, Las Vegas, NV 89140  
888.654.0050 ph/fax  
[www.NVpsychology.org](http://www.NVpsychology.org)

To: State of Nevada Board of Psychological Examiners  
4600 Kietzke Lane, Bldg B-116  
Reno, NV 89502  
[nbop@govmail.state.nv.us](mailto:nbop@govmail.state.nv.us)

November 2<sup>nd</sup>, 2023

Re: NPA on EPPP-2

Nevada Psychological Association's stance on the proposed changes regarding the Examination for Professional Practice in Psychology Part-2 (EPPP-2) is one that takes into consideration our members, the communities we serve, and the state of psychology in Nevada. Given our struggles with workforce development in this state, the potential changes represent an obstacle to building the workforce pipeline necessary to adequately meet the needs of Nevadans. With access to care already a significant issue, adding an additional barrier that can potentially decrease the number of licensed psychologists can be detrimental to the health of our residents.

With Nevada being an early adopter of the EPPP-2 and the relevant concerns regarding individuals seeking out technicalities, finding a way to ensure standardized evaluation of clinical skills is essential. However, our early-career members licensed after December 2020 may feel they are being unfairly penalized for practicing in this state if made to retake portions of the examination or have their credentials withdrawn. Additionally, the consideration for retroactive implementation (i.e., December 2020) creates a muddled situation for any clinical work performed by psychologists licensed after that date with potential legal and ethical ramifications. Assessment of appropriate clinical skills of psychologists licensed in Nevada and protecting the public we serve *without* removing licensure of psychologists who already put in significant effort to be licensed is essential. Given all of this information, we at NPA are against removing licenses or requiring individuals licensed post-December 2020 to take the EPPP-2.

Thank you for your consideration of our position on this issue.

Respectfully,

A handwritten signature in black ink, appearing to read 'Claudia Mejia'.

Claudia Mejia, PsyD  
Licensed Psychologist (PY0819)  
2023/2024 President, Nevada Psychological Association

**From:** [Meza Perez, Carolina](#)  
**To:** [NBOP ED](#)  
**Subject:** Comment on proposed new rule  
**Date:** Friday, November 3, 2023 10:03:55 AM

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

Good morning,

Here are some bullet points of a conversation with colleagues:

- there are no study materials so how am i going to pass EPPP2?
- in a state where we have no psychologists why are we being early adopters of eppp2?
- they can implement that rule once there is more research and study materials
- and you just going to strip licenses away from people whom you already granted licenses?
- if i still had my business, it would disrupt patient care
- since i work at the VA, it will only affect my ability to sign for L2Ks
- my business would have to close because i wouldn't have a license
- because what happens if we have ecp's here that are only licensed in NV.. and their licenses get revoked?
- and then do i have to put that down on EVERY SINGLE APPLICATION for the next 5-10 years or forever when someone asks "has your license ever been revoked"

*Carolina Meza Perez, Psy.D.*

BHIP Clinical Psychologist

VA Southern Nevada Healthcare System

6900 North Pecos Rd. North Las Vegas, NV 89086

Office: 702.791.9000 ex. 15468 or ex. 12769

Pronouns: she/her/hers

**Suicide Prevention is Everyone's Business. [#BeThere.](#)**



**From:** [Schwan, Mariah J. \(she/her/hers\)](#)  
**To:** [NBOP ED](#)  
**Subject:** regarding policy change meeting 11/3  
**Date:** Friday, November 3, 2023 10:13:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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

Greetings,

Unfortunately I am unable to attend the meeting regarding the policy change today, but I wished to send along some of my thoughts as an Early Career Psychologist whom this would be affecting. I am concerned about what will happen with my Nevada license if I am made to retroactively take the EPPP Part 2. Worst case scenario, I may not pass this. If I did not pass, what would happen to my license? Would it be revoked? Would it be suspended? Would it mean that all the work I have done under licensure for the past two years would somehow not be considered competent care just because I did not pass EPPP Part 2? These are all major concerns I have with this policy change. This would affect so many psychologists who are providing valuable, ethical, competent care to our community. I feel that we already have a lack of mental health providers and this policy change could lower the amount of psychologists working in the community, thus greatly affecting our patients. I urge you to reconsider this policy change, as it appears it will greatly affect our Early Career Psychologists and reduce access to competent care for our community.

Thank you,

Mariah Schwan, Psy.D.  
SUD Clinical Psychologist  
VISN 15 Heartland Network  
Clinical Resource Hub  
VA Cell: 702-526-3251  
Office Phone: 702-791-9000 ext. 13985

**Suicide Prevention is Everyone's Business. [#BeThere.](#)**



**From:** [Gavrilova, Elena O.](#)  
**To:** [NBOP ED](#)  
**Subject:** Opposition to the proposed change in psychologists licensure requirements  
**Date:** Friday, November 3, 2023 11:26:51 AM  
**Attachments:** [Outlook-Veterans C.png](#)

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

Good Afternoon,

As an early career psychologist, I would like to voice my opposition to the proposed change in licensure requirements for individuals licensed since December 2020. This proposal creates extra barriers to maintaining licensure and will result in increased difficulty retaining psychologists in the state of Nevada. Nevadans are already severely underserved and this proposal will directly impact not only current psychologists in the state, but also recruitment of new licensed providers, and our community as a whole.

Sincerely,

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*Elena Gavrilova, Ph.D., HSP (she/her)*

**Clinical Psychologist**

Behavioral Health Service

702-791-9000, ext. 13260

**VA Southern Nevada Healthcare System**

6900 N. Pecos Road

North Las Vegas, NV 89086



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**From:** [Robert Moering](#)  
**To:** [NBOP ED](#)  
**Subject:** Proposed EPPP-2 changes  
**Date:** Friday, November 3, 2023 6:58:02 AM

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

I am writing to express my strongest disapproval of the proposal to retroactively make those licensed after December 2020 take the EPPP-2. The BOPE decided that all of those first time licensees were competent to practice in our field at the time of their initial licensure and by saying these individuals now have to go and take a test to prove they are competent nearly three years later for some of them reeks of incompetence from the BOPE itself. The Board said to all of Nevada “these individuals are competent to practice psychology” and you’re now saying “Oops, we were wrong. They weren’t competent after all.” Does that make all the work they’ve done void? Do they have to go back and submit corrections to billing? How much money would that cost Indians or agencies if they have to go back and request changes to billing because the person really wasn’t competent after all? What happens if one of those licensed providers fails the EPPP-2? Do you suspend their license? Revoke it? Make them seek out required supervision? Do nothing but say take it again and again until you pass it? None of these options make any sense when they’ve been practicing for upwards of one to three years already.

I am in favor of requiring all future first time licensees be required to take and pass the EPPP-2 prior to licensure in Nevada if they have not already passed the exam. Notice need to be provided for an effective date of the new rule and anyone who has already applied for Nevada licensure prior to the time change should be grandfathered into the current requirements.

Robert Moering, PsyD  
Licensed Psychologist

**NAC 641.1519 Qualifications of supervisor.** (NRS 641.100, 641.170)

1. A psychologist who wishes to serve as a supervisor of a psychological assistant, psychological intern or psychological trainee must:

(a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology; and

(b) Have ~~had training in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.~~ *obtained appropriate training such that **the psychologist is able to competently provide supervision. The training may consist of the following:***

*(1) 15 Continuing Education Credits (CEUs) in supervision.*

*(i) These CEUs may be obtained from an approved accrediting agency identified in NAC 641.136.*

*(ii) Half of these CEUs may be obtained via self-study from an approved accrediting agency identified in NAC 641.136. .*

*(2) One semester of supervised supervisory experience. A psychological assistant, psychological intern or psychological trainee may provide clinical supervision to a junior psychological assistant, psychological intern or psychological trainee under the supervision of a board approved supervisor as part of a graduate-level supervision course, or other formal training plan to develop supervision competencies.*

*(3) A semester-long formal course in supervision.*

*(4) A combination of the above that are equivalent to any one of the above.*

2. ~~In addition to the requirements of subsection 1, a psychologist who wishes to serve as a supervisor of a psychological assistant must, except as otherwise approved by the Board, have been licensed to practice psychology for 3 years or more. If a supervisor has~~ **have not received training as provided in subsection (1)(b) above, the supervisor may submit his or her their training experiences for review by the Board, which will conduct an equivalency evaluation to determine if the supervisor has received adequate whether that training is adequate.**

3.—A supervisor of:

~~(a) A psychological assistant shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsections 1 and 2.~~

~~(b) A psychological intern or psychological trainee shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1.~~

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R117-08, 12-17-2008; R038-16, 12-21-2016; A by R074-18, 1-30-2019)—(Substituted in revision for NAC 641.1563)



**NAC 641.152 Supervision; assignment of psychological assistant to specialist. (NRS 641.100, 641.170)**

1. Except as otherwise provided in subsection 5, a psychological assistant or psychological intern may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1519.

2. Except as otherwise provided in subsection ~~5~~ 7, a psychological trainee may work only under the supervision and control of a supervisor who is formally assigned by **that supervisor's** ~~his or her~~ home doctoral training program in compliance with required practicum training elements set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association and Section C of the Implementing Regulations of the Commission on Accreditation of the American Psychological Association.

3. Subject to the conditions set forth in subsection 5 and NAC 641.161, ***a supervisor of record may employ a nested supervision model (i.e., supervision of a nonlicensed psychological trainee or psychology intern by a nonlicensed psychological intern or psychological assistant) not to exceed a total of 4 full time equivalent supervisees (up to 40 hours per work week). The supervisor of record must provide the supervisor in training weekly supervision of supervision.***

~~(a) A psychological assistant may supervise a psychological intern or psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>.~~

~~(b) A psychological intern may supervise a psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association.~~

4. The supervisor of a psychological assistant, psychological intern or psychological trainee is responsible for:

(a) The adequate supervision of the psychological assistant, psychological intern or psychological trainee; and

(b) The care plan of each client and patient treated or assessed by a psychological intern or psychological trainee under the supervision of the psychological assistant or psychological intern, as applicable, pursuant to subsection 3.

5. ***The supervisor of record must ensure the following supervision activities:***

***(a) For a psychological trainee: Supervision activities shall be no less than twenty-five (25) percent of the trainees time spent in service-related activities defined as treatment/intervention, assessment, interviews, report-writing, case presentations, and consultations. Most of the supervision (a minimum of seventy-five (75%) percent) shall be individual, in-person with a licensed psychologist, at least half of which shall be with the supervisor of record. The remainder of the supervision may be in a group setting, and/or be provided by another licensed mental health provider or by a more advanced trainee under the supervision of the supervisor of record.***

***(b) For a psychology intern: Supervision shall be no less than 10 (ten) percent of the total time worked each week. At least fifty (50) percent of the supervision shall be in individual, in-person supervision, at least half of which must be with the supervisor of record(s). The remainder of the supervision may be in a group setting, and/or be provided***

*by another licensed mental health provider or by a more advanced trainee under the supervision of the supervisor of record.*

*(c) For a psychological assistant: Supervision shall be at least two individual hours for each week worked (23-40 hours); or at least one individual hour for each week worked (16-20 hours).*

*6. The supervisor of record must provide a minimum of individual direct supervision to each supervisee under their organization as follows (inclusive of supervisees working within a nested model of supervision):*

*(a) Practicum: 1 hour of individual supervision for every 10 hours of service-related activities and not less than 1/2 hour every week.*

*(b) Internship: 1 hour of individual supervision for every 20 hours of service-related activities and not less than 1 hour every week including supervision of supervision as applicable.*

*(c) Postdoctoral: 2 hours of individual supervision for every 40 hour work week, including supervision of supervision, as applicable.*

7. For specific skill training, the supervisor of a psychological assistant, psychological intern or psychological trainee may assign the psychological assistant, psychological intern or psychological trainee to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, behavior analyst, social worker, marriage and family therapist or clinical professional counselor or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists. Any services submitted by a supervisor for reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of a psychological assistant, psychological intern or psychological trainee pursuant to [NRS 422.27239](#) while under the supervision of a specialist pursuant to this subsection must also be supervised by the supervisor.

~~6.8.~~ A psychological assistant or psychological intern must be:

(a) An employee of the supervisor; or

(b) If the psychological assistant or psychological intern is not employed by the supervisor and the supervisor is not employed by the agency at which the psychological assistant or psychological intern is based, a party to a written agreement with the supervisor and agency specifying payment terms and the role of the supervisor or training committee over the training of the psychological assistant or psychological intern, including, without limitation, acknowledgement by all parties that:

(1) The supervisor or training committee will have access to all patient medical records and full oversight and responsibility for the work and training plan of the psychological assistant or psychological intern; and

(2) The psychological assistant or psychological intern may not be an independent contractor of the supervisor or agency during the term of the contract.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; R089-03, 1-18-2005; R111-13, 10-24-2014; A by R133-17, 12-19-2018; A by R074-18, 1-30-2019, A by R115-19, 2/28/2022)

**NAC 641.158 Limitations on number of assistants, interns and supervisors. (NRS 641.100, 641.170)**

1. ~~A psychologist may serve as a supervisor to:
 
  - (a) Not more than three full-time equivalent psychological assistants;
  - (b) Not more than two full-time equivalent psychological interns;
  - (c) Not more than four part-time psychological trainees working not more than 10 hours each per week; or
  - (d) A combination of not more than five psychological assistants, psychological interns, psychological trainees or other interns licensed, registered or certified, as applicable, under the provisions of chapter 641A, 641B or 641C of NRS,~~

→ at the same time.

*A supervisor shall be responsible for the case supervision of not more than four (4) full-time equivalent supervisees (up to 40 hours per work week). A familiar or multiple relationship that compromises objectivity shall not exist between the supervisee and the supervisor. A supervisor may only supervise the number of supervisees for which he or she can provide adequate supervision, but in no case shall he or she serve as primary supervisor for post-licensure purposes to more than four (4) supervisees at any one time.*

2. A psychological assistant or psychological intern may not be employed by more than two supervisors at the same time.
3. A psychological trainee may not be assigned to more than two training sites at the same time.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014; R038-16, 12-21-2016; A by R074-18, 1-30-2019)

**R074-18 – Effective January 30, 2019**

**Sec. 8.**

1. A supervisor shall employ methods of proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee who is under ~~his or her~~ **that supervisor's** supervision to meet ~~his or her~~ **the** ethical and legal responsibilities set forth in subsection 2 of NAC 641.161. Such methods must include the implementation of policies and procedures that ensure the accessibility of the supervisor to the psychological assistant, psychological intern or psychological trainee commensurate with the professional developmental level of the psychological assistant, psychological intern or psychological trainee as required by the agreement submitted to the Board pursuant to NAC 641.1517 or 641.153, as applicable. Such methods may include:

- (a) The physical presence of the supervisor;
- (b) Availability of the supervisor by telephone; and
- (c) Availability of another licensed medical or behavioral health provider ~~not~~ **affiliated with** the site at which the psychological assistant, psychological intern or psychological trainee is providing services.

2. To ensure compliance with subsection 1, a supervisor may employ various modes and methods of supervision of a psychological assistant, psychological intern or psychological trainee under ~~his or her~~ **that supervisor's** supervision, including, without limitation:

- (a) Individual supervision;
- (b) Group supervision;
- (c) Tracking the progress of clients and patients treated or assessed by the psychological assistant, psychological intern or psychological trainee;
- (d) Conducting therapy or an assessment with the psychological assistant, psychological intern or psychological trainee;
- (e) Discussing the cases of clients and patients with the psychological assistant, psychological intern or psychological trainee; or
- (f) Directly observing or reviewing audio or video recordings of the delivery of services by the psychological assistant, psychological intern or psychological trainee.

3. A supervisor shall:

(a) Maintain primary responsibility for the care plan of each client and patient treated or assessed by a psychological assistant, psychological intern or psychological trainee ~~under his or her~~ **that supervisor's** supervision; and

(b) Review and sign all clinical documentation, including, without limitation, reports, treatment plans and progress notes, for all services provided by a psychological assistant, psychological intern or psychological trainee under ~~his or her~~ **that supervisor's** supervision, including, without limitation, those services for which ~~he or she~~ **that supervisor** is seeking reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, as applicable.

4. Except as otherwise provided in this subsection, a supervisor shall be available to a psychological assistant, psychological intern or psychological trainee whom ~~he or she~~ **that**

**supervisor** supervises while the psychological assistant, psychological intern or psychological trainee is providing services to a client or patient. A supervisor shall:

(a) arrange for the availability of another appropriate licensed medical or behavioral health provider to be **available on-site** in the case of the absence of the supervisor; and

(b) **provide a stated policy regarding the availability of a supervisor or an appropriately qualified designee in the supervised practice plan for the psychological assistant, psychological intern or psychological trainee required as part of the requirements of NAC 641.153.**

5. A supervisor shall provide to the Board:

(a) Evidence of the manner in which he or she meets ~~his or her~~ **the** supervisory duties as outlined in subsections 1 and 2.

(b) Upon the registration of a psychological assistant, psychological intern or psychological trainee, a training plan that includes, without limitation, the policies the supervisor will put in place to ensure the availability of the supervisor and the modes, methods, procedures or policies the supervisor intends to employ to ensure compliance with this section and NAC 641.161

**NAC 641.168 Psychological testing. (NRS 641.100)**

1. A licensed psychologist may have personnel who are not licensed pursuant to chapter 641 of NRS perform the following types of psychological testing under the psychologist's direct supervision and periodic observation:

(a) Objective written psychological tests may be administered and scored only by a person who has successfully completed training to administer and score such tests.

(b) Objective tests that require a response other than in writing may be administered and scored only by a school psychologist or a person who has completed the training in psychometrics that is required for a master's degree. *For purposes of this section, and notwithstanding the provisions of NRS 641.440(4), those who perform testing under this section may be referred to as "psychometrists."*

(c) Projective tests may be administered and scored only by a psychological assistant or a psychological intern who has successfully completed training to administer and score such tests.

2. The results of a psychological test may be interpreted only by a psychological assistant or a psychological intern who has successfully completed training to interpret such a test.

3. The supervising psychologist is responsible at all times for the actions of the personnel who administer, score and interpret such psychological tests.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94)

**PUBLIC NOTICE OF A MEETING FOR  
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINDERS  
MEETING MINUTES**

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October 13, 2023

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

The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, Psy.D., at 8:02 a.m. on October 13, 2023, online via “zoom” and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste. B-166, Reno, Nevada 89502.

**Roll Call:** Board President, Whitney Owens, Psy.D.; members, Lorraine Benuto, Ph.D.; Monique Abarca, LCSW; Soseh Esmaeili, Ph.D.; Stephanie Holland, Psy.D.; Catherine Pearson, Ph.D. were present at roll call. Stephanie Woodard, Psy.D., was absent. Despite the one-member absence at roll call, there was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigator Dr. Gary Lenkeit; Executive Director Laura Arnold; Board Staff Kelly Weaver; members of the public: Dr. Jodi Thomas (UNR Counseling Services).

**2. Public Comment - Note:** Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

On October 9, 2023, the Board Office received written public comment from Dr. Sam del Castillo, Ph.D. in response to the Board’s September 8, 2023, revision to its endorsement policy as it concerns the EPPP-2. The public comment was read into the record by Executive Director as follows:

*Dear Members of the Nevada Board of Psychological Examiners:*

*This public comment is regarding the board's decision to revise the licensure by endorsement policy as it relates to the EPPP-2 examination, and seeks to provide the board with additional considerations, data, and perspectives against this revision. Specifically, this comment seeks to request that the board reconsider its policy revision to prevent psychologists licensed in another state from obtaining licensure in Nevada until they have taken the EPPP-2.*

### *Equivalency and Portability*

*Nevada is among two states currently requiring the EPPP-2 for licensure, joined only by Georgia. As you know, the EPPP-2 exam is still considered in its "beta-testing" phase. The majority of states do not plan to implement the EPPP-2 requirement until January 2026, according to the most recent report. Therefore, requiring psychologists licensed in another state to undergo additional testing of EPPP-2 in addition to the state's jurisprudence exam, the Nevada Board of Psychological Examiners will create an additional burden that other states do not currently have in place, which will likely result in disincentivizing psychologists from pursuing licensure in this state. This additional burden effectively limits licensure portability and equivalency across states, while ASPPB has expressed seeking to create more uniform requirements for licensure. Requiring the EPPP-2 examination in Nevada prior to other states adopting the same requirement, is the opposite of creating uniform standards. The vast majority of other PSYPACT states do not require EPPP-2 examination for licensure. Additionally, ASPPB has stated that already licensed psychologists are not required to take EPPP-2 ([https://cdn.ymaws.com/www.asppb.net/resource/resmgr/eppp\\_2/eppp\\_\\_part\\_2-skills\\_\\_faq\\_s\\_1.pdf](https://cdn.ymaws.com/www.asppb.net/resource/resmgr/eppp_2/eppp__part_2-skills__faq_s_1.pdf)); therefore, the recently approved amendment to retroactively require psychologists licensed in Nevada via endorsement who have not taken the EPPP-2 as of November 2020 would counter ASPPB guidelines and recommendations.*

*Additionally, it would create public confusion and perhaps open psychologists to legal liability given that this would essentially nullify their license in the state until they are able to successfully pass the EPPP-2 examination. Further, a change to state licensure requirements would place an undue burden on early career psychologists compared to already licensed individuals who did not have to pass the EPPP-2 in their licensure process.*

*In fact, Nevada governor Joe Lombardo recently issued an executive order directing all Nevada occupational and professional licensing boards to suspend issuance of any new regulations in order to facilitate and streamline licensure processes (See [https://gov.nv.gov/Newsroom/ExecOrders/2023/Executive\\_Order\\_2023-004/](https://gov.nv.gov/Newsroom/ExecOrders/2023/Executive_Order_2023-004/)). In this order, Governor Lombardo rightfully points to Nevada as among the most onerous states in terms of licensing requirements. The executive order discusses the state's interest in recruiting and retaining qualified workers to the state and not creating unnecessary barriers.*



### *Recruitment and Retention*

*As an early adopter of "beta-testing" of EPPP-2, Nevada is competing against other states who do not currently have EPPP-2 requirement in place. Further implementation of EPPP-2 requirement for licensure serves as a deterrent for psychologists from coming to Nevada and instead, seek to practice in other states who do not have such onerous requirements. Nevada is already at a significant deficit of psychologists. Based on data from the 2021 Nevada Rural and Frontier Health Data Book, Mental Health American ranked Nevada as 51st in the country for prevalence of mental illness and limited access to mental-health services. Requiring further testing (which is already an additional cost and time burden) will discourage psychologists from coming to or staying in Nevada.*

*More so in recent years, psychologists are competing for jobs with master's level clinicians. Master's level clinicians are paid nearly as much as psychologists and do not have to undergo nearly as much testing to receive licensure. Conducting a simple cost/benefit analysis would lead students to conclude that pursuing a doctoral degree in psychology will prove more costly than simply pursuing master's level licensure without additional hoops to jump through. As a consequence, adding additional testing of EPPP-2 will create another barrier that will discourage people from joining the profession of psychology.*

### *Peer-reviewed scientific literature*

*In order for the board to fully consider the advantages and disadvantages of requiring new psychologist applicants in the state of Nevada to undergo the additional burden that taking the EPPP-2 would require, the board should first consider pertinent research. A primary concern with the early adoption of EPPP-2 as a requirement for licensure in Nevada is the dearth of peer-reviewed scientific literature on the validity of the EPPP-2, this is partially behind the reason for this examination to be considered in its "beta-testing phase." Further, there is no criterion research that was conducted in 3 order to set a cutoff passing score for the EPPP-2. Additionally, there is little to no data on the predictive validity of EPPP-2. To date, there is little to no data on how the EPPP2 relates to client outcomes. Currently, there is no indication that quality of services or care by psychologists in this state have diminished over the past few years, which would grant consideration of an additional requirement of examinations in order to protect public interest. Simply put, by requiring the EPPP-2 the board is creating a problem where one does not exist – there is no evidence of an increase in complaints against psychologists, demonstrating that current safeguards are working as intended. Why create additional burdens in the licensure process when there is no issue in quality of care or patient safety?*

*In fact, the national trend has moved away from standardized testing due to their lack of correlation with outcomes. This is evident, for example, with some graduate programs no longer requiring GRE or LSAT because data indicate that these exams are not predictive of success in graduate training or in future professional success. Many graduate programs have come to understand that such exams are simply acting as barriers preventing already marginalized students from accessing graduate education. The American Psychological Association and the Association of Psychology Postdoctoral and Internship Centers (APPIC) already provide rigorous oversight over training through their accreditation process and membership criteria. Additionally, state boards also provide public safeguards through their licensure and complaint review processes.*

### *Equity, Access, and Social Justice*

*Requiring additional testing for licensure is indeed an equity, access, and social justice issue. Given lack of evidence on testing outcomes for psychologists from different racial and ethnic backgrounds, it is unclear what the outcomes for test-takers are regarding this examination. The few data that do exist point to possible disparities in pass-rates among different demographic groups, particularly Black and Latine test takers (e.g., Sharpless, 2019). The EPPP and EPPP-2 act as gatekeeping tools preventing psychologists of color and those from lower socioeconomic backgrounds from accessing the profession they have spent years in training.*

*A recent study highlighted disparities among BIPOC and white test-takers: Black and Latine test-takers are 2.5 times less likely to pass the white test-takers (Sharpless, 2019). In fact, scholars have argued that disparities in EPPP testing outcomes fall into a legal category of “disparate impact” discrimination outlined in the Title VII of the Civil Rights Act of 1964 (Darnard, 2018). Given discrepancies with ethnic minority testtakers, the article recommends further psychometric investigation, particularly for EPPP2 prior to further implementation – perhaps this is a reason behind why so few states have implemented this requirement to date.*

### *Cost*

*During the board’s discussion regarding the amendment to the licensure requirement, board members briefly commented on possible financial costs associated with incorporating an additional requirement of EPPP-2. The board mentioned the approximately \$400 fee for taking the exam. However, there are additional costs associated with taking such exams that were not considered. Exam preparation materials can average between \$200-500, not including other fees that may be necessary, such as administrative fees and processing fees. Another component that was not considered is the amount of time it takes to prepare for such an exam. Most exam preparation experts recommend approximately 3 months of 15-20 hours per week dedicated to preparation and studying. Time away from work and patient care is also*

*costly. A final consideration is that having an additional exam requirement for licensure would mean additional months of reduced pay until full licensure is obtained. This can be a difference in pay of as much as \$20,000 per year or more between an unlicensed and licensed psychologist. This pay difference is happening now, in Nevada, at multiple sites with psychological assistants.*

*In comparison, receiving licensure in another state requires a nominal fee, usually of less than \$100 and perhaps a state jurisprudence exam. Many states have "open-book" tests, which do not require extensive advanced preparation, and some of these states have significantly speedier processing times for licensure. Therefore, overall costs (and time) to obtain licensure in another state is significantly lower.*

### *Personal Statement and Conclusion*

*As a recent graduate from an APA-accredited doctoral program, APPIC-member internship site, and APPIC-affiliated postdoctoral fellowship, I planned to launch my career in the state of Nevada. I am honored to join the few psychologists in this state that are providing crucial services to an underserved population. My research and postdoctoral training afforded me specialized training in gender and sexuality, a specialty that is highly sought-after and scarce in this state. I am also among around 5.5% of psychologists who is able to provide services in Spanish, bringing a specialized skill to a state in which Latinos comprise approximately 28% of the population. However, unnecessary bureaucratic burdens have made me reconsider whether this is the best option for my career, or whether I should instead, establish my career in a state in which I can practice more immediately without having to spend additional months and spending hundreds to potentially thousands of dollars to take an additional exam.*

*In conclusion, my hope is that the board will reconsider its decision to retroactively require psychologists to pass the EPPP-2 examination in order to receive licensure via endorsement. I encourage the board to consider the rationale provided above and make Nevada a state with a more equitable licensure process. As you know, Nevada is in serious need of mental health providers and the board is at a pivotal point to create a process that incentivizes psychologists from joining the state in serving an underserved community.*

DAG Ward recommended that the Board not read the written public comment into the record in the future due to the public comment limitation of 3 minutes. However, doing so did not violate the open meeting laws, it is simply problematic due to the time limitations.

Dr. Thomas expressed similar concerns shared by her and other individuals at the counseling center as were expressed by Dr. del Castillo, particularly access to trainees

who want to come to Nevada and stay in the region after they train with the counseling center to increase the psychologist pool. Dr Thomas indicated because of the hurdles many of the trainees are choosing to obtain licensure elsewhere outside of Nevada. The counseling center is also concerned with the impact it may have on the pool of supervisors who may have to suspend their license to go through additional hoops. Additionally, individuals who are in the community that are reliant upon the role to make their income and how it may impact them. Not speaking on behalf of counseling services, Dr. Thomas would ask the Board to consider in future sessions to reconsider how they want to use the EPPP-1 or EPPP-2 for licensure in the future.

There was no further public comment at this time.

**3. (For Possible Action) Workshop to Solicit Comments on a Proposed Regulation (See Attachment A); and Possible Action to Forward the Proposed Regulation to a Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B**

Dr. Owens opened the Workshop to public comment. There was no public comment presented at this time.

- a. Continuing Education requirements for licensure renewal – revision to NAC 641.136 to comply with the cultural competency continuing education requirements of AB 267.

Dr. Owens indicated AB 267 was passed during the last legislative session increasing the cultural competency requirements from two to six educational requirements. The Board does not have a lot of choice on the matter as they must implement AB 267 by revising NAC 641.136. The Board had no questions or comments to present at this time.

- b. NAC Chapter 641 Definitions – revising NAC 641.001 to add definitions for psychological examinations, testing, and evaluation.

These are the definitions that Dr. Lenkeit worked on to clean up the definitions related to psychological assessment and testing, which also incorporated changes discussed during the last Board meeting. Per Dr. Owens, the Board needed to decide which language they prefer, specifically number 2 related to the completion of a mental status examination. Dr. Lenkeit suggested not going with the second number 2 proposed because it is limiting. He has no objection with including “may include.” Dr. Owens recalled Dr. Holland mentioning “may include” during the last meeting to allow individuals the option to include or not include. Dr. Holland concurred with Dr. Lenkeit

now that she has had time to consider Dr. Lenkeit's suggestion. Number 3 was concerned with the word malingering, which was replaced with symptom and performance validity. DAG Ward advised the use of the word may is permissive, while use of the word shall is mandatory from a legal standpoint.

*On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved moving to a future hearing date the revisions to the definition of NAC 641.001 to include item 2 that states psychological examination, or mental examination, means a comprehensive clinical interview which includes the collection of psychosocial data and may include completion of a mental health examination by a licensed psychologist, psychological assistant, psychological intern, or psychological trainee and item 3 to include psychological testing means the administration of standardized psychometric measures of psychological functioning, cognitive/motor functioning, symptom and performance validity, other skills and abilities to assist in providing a diagnosis and recommendations and item 4 to include psychological evaluation means the completion of a psychological examination with or without psychological testing. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

- c. Assessment procedures – revising NAC 641.234 to add a provision regarding the disclosure psychological test material.

Dr. Owens read the proposed revisions to NAC 641.234(4) into the record. No questions or comments were presented by the Board.

*On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved items a and c to a future hearing date. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

No public comment was presented at this time.

#### **4. Minutes.**

##### **A. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular and Special Meeting of the State of Nevada Board of Psychological Examiners on September 8, 2023.**

There were no comments or changes suggested for the minutes of the September 8, 2023, meeting.

*On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular and Special Meeting of the Board held on September 8, 2023.*

*Catherine Pearson and Monique Abarca approved the minutes as to form, but not content. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

## **5. Financials.**

### **A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer’s Report for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).**

The Executive Director presented the Treasurer’s report. As of September 30, 2023, the checking account balance was \$356,524.78. The Board continues to operate on the almost \$81,000.00 net revenue for the second biennium quarter deferred income distribution as well as about \$22,000.00 from the other deferred revenue distributions such as late renewal fees, new licensures, and registrations. Nothing has changed regarding the next expected deferred revenue allocations from all sources, except that the distributions from new licensures and registrations received during this biennium quarter and will be cast forward into the third and fourth biennium quarters may be a little more than what was anticipated.

The savings account balance was \$105,059.44.

With the end of September being a quarter of the way through the current fiscal year, the Board is at about 23% of budgeted expenditures and about 48% of expected revenue – most of which is the deferred income allocated to this biennium quarter.

No questions or comments were presented by the Board.

*On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Treasurer’s report for 2024.*

*(Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

## **6. Legislative Update**

**A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the 2023 Session of the Nevada Legislature, and any position or action the Board may take on or in response to Bills that have been signed into Law, Legislative Bills, and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.**

According to the Executive Director, there are no updates at this time, other than the work the Board is doing to move forward the proposed regulation revisions.

**7. Board Needs and Operations**

**A. Report from the Nevada Psychological Association.**

Dr. Chappel-Love expressed concerns regarding EPPP-2 being retroactively considered, as well as the language for the testing. The Nevada Psychological Association is also in discussions regarding the APA statement regarding the violence and terror in Israel. Dr. Chappel-Love reminded the Board that the Nevada Psychological Association is available to support the Board as needed.

**B. Report from the Executive Director on Board Office Operations.**

Dr. Owens indicated that the monthly report is presented to the Board to have the data available for the Board members' benefit and information. Per the executive director, September was mostly busy with administering State exams. New licensure and registrations remained steady, with applications not keeping us quite as busy.

As of September 30, 2023, the Board currently had 677 active licensees, 101 applications for licensure. Also included are data on the applicants and registrations for our psychological assistants, interns, and trainees.

In addition to the other work of the Board office, Dr. Owens and the executive director attended the ASPPB conference at the end of September. Dr. Owens stated that Dr. Paul is moving into the presidency for ASPPB and congratulated her for that. The conference was very helpful and will allow the Board to be more flexible and open for more meaningful professional development and processes. She stated there will likely be changes coming down the line that will be discussed later on. Dr. Paul indicated the ASPPB covers 65-66% of the US and Canada jurisdiction and is focused on the public's interest, as well as assisting psychologists, to include opening up policies and procedures to critically analyze how things have been done historically to ensure no one

is excluded or marginalized to become a licensed independent provider while also ensuring that competent practice is emphasized. She informed the Board she is happy to answer questions related to the ASPPB anytime anyone has any questions. Dr. Young wanted to reinforce the message that it is important for the Board members to attend the conference so that misinformation is not relayed and to help the Board members make the best choices.

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

DAG Ward had nothing further to report at this time. He said that the executive director, Investigator, and he do frequently meet and they have done so within the last few days and DAG Ward believes one of the investigators may have an update on one specific complaint but he has nothing to add.

- A. Complaint #19-0626
- B. Complaint #22-0930
- C. Complaint #23-0303
- D. Complaint #23-0607

Dr. Young presented Complaint #23-0607, which was a complaint in a high conflict custody evaluation. This person entered into an initial complaint and the Executive Director sent a letter outlining the initial documentation and the person requested an extension. The individual submitted three (3) documents which supported the decision of the custody dispute. There is another issue because the evaluation was conducted in 2019, and the decision was also met in 2019, which does not meet the criteria for a complaint to be filed within one year of entering the final order or judgment. In brief, Dr. Young indicated this person did not provide any information to support the vague allegations, so based on the documents submitted, she does not believe this case warrants further action and she recommends that the Complaint be resolved/dismissed to the Board.



*On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the dismissal of Complaint #23-0607. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

- E. Complaint #23-0612
- F. Complaint #23-0801
- G. Complaint #23-0822
- H. Complaint #23-0905
- I. Complaint #23-0918

Dr. Lenkeit did not have any completed complaints to discuss at this time. As DAG Ward indicated, they are working through the complaints and should have more information later on. He also stated that they seem to have a lot of unlicensed practice complaints this year. Dr. Lenkeit clarified that they are people representing themselves as psychologists and they are not, some are licensed in other professions, and the information they present is very misleading. Dr. Young commented that people are falling prey to unlicensed practice and indicated not everyone comes to the Board with the proper training.

**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.**

The following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Meghan Goulet, Samantha Sherwood, Daniel Pott-Pepperman, and Amara Brook.

*On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the licensure contingent upon completion of licensure requirements of Meghan Goulet, Samantha Sherwood, Daniel Pott-Pepperman, and Amara Brook. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

**A. (For Possible Action) Discussion and Possible Action on Dr. Luz Morrow's application to take the EPPP-1 a fourth time and to extend her licensure application and Psychological Assistant registration.**

Dr. Morrow has applied to retake the EPPP-1 a fourth time. She previously took the exam in December 2021, July 2023, and August 2023, and did not receive passing scores in those attempts. In her application to retake the EPPP-1 a fourth time, Dr. Morrow provides her in-depth explanation of why she believes she was not previously been successful in passing the exam and how she intends to approach her schedule, study program, practice tests, coaching, study groups, and areas of focus.

Dr. Morrow is currently an applicant for licensure and she has been registered as a Psychological Assistant. The status of each is as follows:

- *Licensure application.* Dr. Morrow's licensure application was initially scheduled to expire in October 2022, but she was granted an additional year – until October 26, 2023.
- *PA Registration.* Dr. Morrow was originally registered as a Psychological Assistant in April 2017. Through a series of extensions, she was ultimately permitted to remain registered as a Psychological Assistant until August 10, 2023, at which time her registration expired. Dr. Morrow's Psychological Assistant registration has been under the supervision of Dr. Tanisha Ranger, and if permitted another extension, would continue to be under the same supervisor.

Dr. Morrow requests that both her licensure application and her Psychological Assistant registration be extended until October 2024 so that, if she is permitted to retake the EPPP-1 a fourth time, she remains eligible to do so.

Dr. Benuto indicated she thought Dr. Morrow's study plan looked very thorough. The executive director stated that Dr. Morrow has not provided a specific date, but that the test would be retaken within the year. Dr. Pearson wanted to clarify that the request

was to extend her Psychological Assistant application, which Dr. Owens confirmed is one of the requests, as well as allowing Dr. Morrow to take the EPPP-1 for a fourth time. Dr. Morrow's original application was 2017, and wanted to confirm how many times her application was extended. Dr. Owens said there would have to be at least three extensions. The executive director confirmed Dr. Morrow's registration as a Psychological Assistant has expired.

*On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved Dr. Morrow's study plan and to take the EPPP-1 for a fourth time. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

Dr. Pearson asked the executive director if the Board has had applicants extend their Psychological Assistant application as many times as Dr. Morrow has, to which the executive director stated she has not seen this many extensions. The executive director reiterated her discussions with Dr. Morrow regarding this decision needing to go through the Board. Dr. Owens clarified that Dr. Morrow is still working under Dr. Ranger. The Psychological Assistant registration expired in August of 2023, which was previously extended to take the EPPP-1 again. The executive director said she believes Dr. Morrow has satisfied her hours while continuing to work for Dr. Ranger. Dr. Owens is ambivalent that Dr. Morrow is practicing under someone else's license and is on the fence regarding setting a precedent for future extensions of this nature. Dr. Benuto indicated she is also ambivalent and shares Dr. Owens' sentiments. Also, Dr. Benuto is thinking about the complexity about Dr. Morrow not practicing as she leads to take the exam. But, Dr. Benuto is also compassionate given the discussions related to the EPPP testing discussed earlier that makes her more inclined to approve Dr. Morrow's request. Dr. Lenkeit provided some history of having things time limited: he indicated that people would retain psychological assistants and retain them for 15 years, which made the Board enter a time limit to ensure people are not practicing psychological assistants for their entire career. With that, the time limit was necessary, but now Dr. Lenkeit believes Dr. Morrow has justified the reason for the extension and deserves the chance. Dr. Owens asked the executive director to clarify if an individual does not pass the EPPP-1 the fourth time, the application is denied, then the individual would have to wait 18 months to reapply and take the exam again. The executive director confirmed. One option, according to Dr. Owens was to approve Dr. Morrow's registration for psychological assistantship and keep her application open for a period of time with an understanding that within that time if she fails for a fourth time, Dr. Morrow's application

would then be closed. Dr. Owens believes the Board should consider the length of time necessary to study and prepare for the EPPP-1 and also the EPPP-2. Dr. Owens specified that the application and registration would be denied if Dr. Morrow does not pass for a fourth time because she would then have to wait 18 months to reapply. Dr. Young commented that the data is strong that if someone has not passed by the fourth time, additional attempts will likely not produce a pass, and the Board thought they were taking advantage of individuals by allowing them to continue to test which is another reason there is a limit on the attempts. She asked if the supervisor was willing to continue supervising, which the executive director confirmed Dr. Morrow confirmed she would continue to work with Dr. Ranger. Dr. Ranger has not provided confirmation, but the confirmation and the supervised practice plan and the employment agreement were provided by Dr. Ranger.

*On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved extending Dr. Morrow's application for licensure and her Psychological Assistant registration for up to one more year with the understanding that if Dr. Morrow fails the EPPP-1 for a fourth time, the licensure application and registration would be revoked and denied at that point. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

**B. (For Possible Action) Discussion and Possible Action on Dr. Jamie Wong's request to have her Psychological Assistant registration reinstated.**

This request was withdrawn.

**10. (For Possible Action) Discussion and Possible Action on Establishing a Board Review Panel / Subcommittee for Test Accommodation requests.**

Dr. Owens explained that this is a topic that came out of the ASPPB Conference. Rather than requiring those who seek test accommodations to be subjected to a request that is considered during a public Board meeting, the proposal is to establish an accommodation review panel / subcommittee similar to what the Board has for background check and conduct reviews. This would allow those who need accommodations to make their request under circumstances that are more private and discrete.

DAG Ward indicated he would look into it, but commented that if the subcommittee is going to make a recommendation to the Board, they are still an arm of the Board. A closed session may be able to convert from an open meeting if the subcommittee was

determining or discussing health issues, but overall, the subcommittee's determinations would need to be analyzed to see what they are considering and if it triggers the open meeting laws. If the subcommittee is just gathering data, they do not have to comply with the open meeting law, but if they are making a decision or recommendation to the Board, that would trigger the open meeting law compliance. Essentially, according to Dr. Owens, the subcommittee would be reviewing the request for an accommodation and determining whether or not the request is in line with typical accommodations that the Board would approve and either approving or denying the accommodations with the details being kept to the subcommittee without having to be discussed in an open meeting. DAG Ward affirmed that sounded okay. Per DAG Ward, if a person is asking for an accommodation, it would have to be discussed in the open meeting, but it can be kept generic without the specific details being discussed in the open meeting.

Dr. Owens asked if the approval would have to be done in an open meeting, and DAG Ward stated it does not as long as it does not come by the Board. If the subcommittee approves the accommodations, then that is fine and does not have to be presented to the Board or discussed in the open meeting law, unless there is a specific Board policy, regulation, or statute that requires it to come before the Board.

The executive director inquired if retitling it as a review panel rather than subcommittee would ease confusion. Further, the Board would approve the review panel to approve or deny the accommodations. Dr. Owens reiterated that it would not have to come before the Board if the review panel approved the accommodations, but if the review panel needed additional guidance from the Board (in rare circumstances) or if the applicant was denied by the review panel it then could be presented to the Board. The executive director will review the Board's regulations to see if there is any language related to this topic. Dr. Benuto concurred that it makes sense.

*On motion by Soseh Esmaeili, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the request to create a review panel to review accommodation requests that would be comprised of a Board member, Investigator, and the Executive Director and creation of a test accommodation policy for the Board office. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

**11. (For Possible Action) Discussion and Possible Action on the Recommendations of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.**

Proposed changes to NAC Chapter 641 include, but may not be limited to:

- NAC 641.1519
- NAC 641.152

- NAC 641.158
- R074-18 (effective January 30, 2019)

To recap, Dr. Owens stated the Ad Hoc Committee met four times between April and August to discuss this topic, which the Committee ultimately determined it would not be beneficial to register supervisors but instead to work on revising the supervision policies to align with best practices and reduce barriers to supervision and work by supervisees in the state. The above-mentioned NAC and R074-18 were reviewed by the Committee. The goal at the end is to recommend potential changes to the language or move the revisions to Workshop.

NAC 641.1519 proposed a revision to the time requirement to be converted to a competency-based model in order to become a supervisor. The Committee also added the ability for supervisors to have their training experience demonstrated through an equivalency evaluation to determine other training experiences that may result in good qualification of a supervisor. Dr. Paul mentioned that the Committee relied on the ASPPB's model language for supervision. The Committee attempted to review available literature available in an attempt to model the language being used. The Board had no questions or comments. Dr. Thomas appreciated the Committee taking out the three-year requirement but wanted to ensure she understood that correctly. Further, she wanted to point out the continued use of binary language in the language and requested using the standard "they" throughout. Dr. Owens confirmed she is on board with that, and the executive director will review and revise accordingly to have that language be available for the Workshop.

NAC 641.152 proposed a revision to clean up the language related to how many supervisees a supervisor could supervise at one time. Dr. Paul described the ASPPB model language was again reviewed by the Committee in determining the language revisions proposed in order to strike a balance between having enough supervisees working with a supervisor to make sense, but also ensuring that the Board is focusing and emphasizing on training and what would be manageable for a supervisor to provide diligent oversight of the development of the supervisees but also client welfare. As such, section 3 allows for the supervision of non-licensed, and being able to supervise a post doc, intern, trainee, and in some combination thereof not to exceed a total of 4 full-time supervisees. Dr. Paul specified full-time means 40 hours. So, essentially, 4 times 40 means 160 hours of supervisees underneath a supervisors' supervision in any combination. Specific examples were provided by Dr. Paul. The Board had no questions or comments at this time with the exception of Dr. Holland who indicated she had questions, but nothing that would prevent this item from being moved to Workshop.

Dr. Thomas wanted to confirm the equivalent of four full time supervisees and provided some examples. Dr. Thomas's understanding was confirmed by the Board. Dr. Paul

reiterated that psychological trainee or doctoral practicum students in the training world do not have a registration requirement. This is about competent supervision and being mindful of not being a supervisor who is overloading on supervision and spreading themselves too thin so as to not provide competent and diligent supervision in service of best practice training.

Dr. Owens reminded everyone that the Board is in charge of protecting the clients and protecting the trainees, which protection of the public and trainee while also ensuring the Committee was not creating additional barriers to access to care was a challenge. The ASPPB and other states were referred to in revising this language. The executive director stated that the language proposed in subsection 5 and 6 was added previously to what is now subsection 7 as subsection 5. At the beginning of subsection 3 it references subsection 5, which she will confirm is accurate as she believed it may have been a reference to the previous subsection 5 not the proposed subsection to ensure it is accurate prior to Workshop.

Dr. Paul indicated section 5 essentially by development level of the trainee providing guidance on how much time a trainee received supervision versus direct service hours. A trainee gets more supervision in terms of a ration than an intern or assistant. This language was taken from the ASPPB best practice in supervision guidelines, as well consideration of the ASPPB model guidelines and expert consensus throughout America and the Psychological Association. Dr. Paul indicated section 6 really says the same thing as section 5 just in slightly differing terms. Section 5 also allows for supervision that can be conducted in group settings, in an attempt to allow trainees to make room for other licensed providers for a specialty trainee. The Committee wanted to ensure the trainees have access to training based on their developmental level and the amount of oversight and supervision they deserve to receive at their developmental level. Dr. Owens asked if the current language required two hours of individual supervision for post docs or just one. Dr. Paul indicated she believes the current language requires one hour per week. Dr. Owens asked that it be highlighted at the Workshop due to the significant change so that it can be further discussed through public comment. The executive director will research prior to the Workshop to ensure it is accurately referenced. Dr. Paul mentioned what the APA requires for a post-doctoral setting is two hours of supervision per week for those post docs, which again, the Committee's intent was to align the language with best practices that are out in the field currently. Dr. Holland confirmed it is currently one hour. Dr. Owens specified that by voting to move the language to Workshop it does not indicate the members are in agreement with the language, but simply that it should be moved to Workshop for further discussion.

NAC 641.158 relates to limitations on interns, assistants, and supervisors. This language was presented in the Ad Hoc Committee Meeting. It differs from similar NAC language because this one does not have the nested supervisor model that the other

language has according to Dr. Paul. This NAC clarifies the full-time interns for fluidity in general supervision. There were no questions or comments presented by the Board.

RO074-18(1)(c) relates to having someone affiliated with the site as opposed to someone physically at the site. Examples of how this will be useful were presented by Dr. Owens. Item (4)(a) also discusses the same language change for availability versus having a designee on site available to the supervisees. Dr. Owens mentioned she believes the Ad Hoc committee's intent was to reduce barriers while also ensuring there is proper and diligent oversight for supervisees. No questions or comments were presented by the Board.

Dr. Paul wanted to ensure Dr. Benuto was able to make comments as she was critical in the language proposals. Dr. Benuto thought the presentation was accurate and she explained the intent was to find the right touch so as to not be overly burdensome to psychologists and supervisors, which she and Dr. Owens believe was accomplished. Dr. Owens mentioned that the world of telehealth is evolving the psychology world and these changes should be developing with telehealth. However, supervisors should still be making ethical and diligent decision making to ensure protections for the supervisors and the public. Dr. Thomas asked if the Workshop would be a more appropriate time for public comment and Dr. Owens confirmed that is correct.

*On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved moving the proposed revision language of NAC 641.1519, NAC 641.152, NAC 641.158 and R074-18 to a Workshop. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

**12. Discussion and Possible Action regarding and in response to 2023 AB244, which establishes certain rights of those who are compelled by court order to submit to a mental or physical examination.**

- In addition to the proposed revisions to NAC 641.001 and 641.234 as addressed in the Regulation Workshop to occur during this meeting, the Board's discussion and possible action may include, but is not limited to, a Statement by the Board in response to AB244.

During the July 14, 2023, Board meeting, Dr. Thomas Kinsora read a statement into the record regarding AB 244's impact on the practice of psychology. AB244, which passed through the 2023 legislature and which the Governor signed into law, establishes the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances. The Board agreed that it would adopt a statement that is an informative stance on AB244 and what it encourages a licensee to do.



In response to the proposed Board statement that was presented during the September 8, 2023, Board meeting, the Board requested that its executive director work with Dr. Kinsora to make further revisions to the statement that would better highlight the risk to public safety. The statement was presented to the Board. The goal was to be concise but also present the Board's opinion on the ethical stance that is violated with AB244's implementation.

The executive director indicated she wanted to add Examiners' to the title of the Statement.

Dr. Young said she agrees with the statement, but believes there is more to be known. She believes there are two sides to the statement: such that, she is on the APA ethics committee and she stated that forensic psychologists have a differing view on AB244. With that, it is hard to decide what the right thing to do. She does, however, appreciate the statement and the difficult situation AB244 creates.

Dr. Pearson clarified that the statement would be provided to new licensees and also can be used by psychologists to show support from the Board if certain situations arise where they are asked to respond to a situation of a psychological examination being observed based on AB244. Dr. Owens confirmed it would be provided to all licensees, not just new licensees, and registrants to allow them to use the statement in a situation that asked the licensee to violate their ethical code.

Dr. Kinsora believes the difficulty is presented because the attorneys are now demanding that the examination be recorded, that the examinee be able to take notes, that the raw data be provided to the attorney, and that the examinee basically be able to walk away with a recording/notes from every piece of test the licensee administered. He said since AB244 was enacted, the attorneys are making these demands. He feels it is impossible to move forward without the support from the Board because inevitably, someone will say they will do that, which will compromise the psychology measures. Further, there is nothing preventing the examinee from posting the examinations on YouTube, or other public forums, which again, will compromise the testing. Dr. Holland informed the Board she is in agreement with the statement. Dr. Paul stated that there are individuals coaching examinees to get a higher score to get into gifted and talented programs, which she believes are an ethical violation. Dr. Chappel-Love believes the statement should be strong, and once it is released the NPA can also provide additional

feedback to get more regulations on the law itself to assist with the situation. As a forensic psychologist, since AB244 has been enacted, Dr. Chappel-Love no longer provides examinations. Dr. Owens thinks that this statement with the revisions to NAC as proposed by the Board should help alleviate the problems created by AB244.

*On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the Nevada State Board of Psychology Examiners' Statement in Response to 2023 AB 244. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

The statement will be issued to the licensees and placed on the Board's website.

**13. (For Possible Action) Discussion and Possible Action Regarding and to Clarify and Reconcile NAC 641.168(1)(b) (permitting test administration by those who have completed training in psychometrics required for a master's degree) and NRS 641.440 (prohibiting anyone who is not a licensed psychologist from using titles or descriptions that incorporate, among others, the word "psychometrist").**

During its September 8, 2023, meeting, the Board reviewed a discrepancy in how NRS 641.440 addresses the term "psychometrist" and how that term is generally used in reference to NAC 641.168(1)(b). Dr. Thomas Kinsora explained that the term "psychometrist" is widely used to identify those who perform the Psychological testing identified in NAC 641.168(1)(b) (which permits that a licensed psychologist may, under the psychologist's supervision, have unlicensed personnel perform psychological testing, and states that objective tests that require a response other than in writing may be administered a school psychologist or someone at a master's degree level who has had training in psychometrics). Because NRS 641.440 prohibits anyone who is not a licensed psychologist from using titles or descriptions that incorporate, among other terms, the word "psychometrist," Dr. Kinsora requested clarification or an exception as it concerns NRS 641.440's prohibition of the use of the term "psychometrist" for those who are not licensed psychologists as it relates to NAC 641.168(1)(b).

The Board requested that its executive director work with Dr. Kinsora to propose language that would except NRS 641.440's prohibition of the use of the term "psychometrist" from NAC 641.168(1)(b). Dr. Kinsora and the executive director worked together to propose additional language to NAC 641.168(1)(b) that would have that effect. The proposed revision to NAC 641.168(1)(b) was presented.

Dr. Kinsora believes the word psychometrist is generally used. Nevada is the one hold out, maybe a few other states – he is not sure – that uses the term interchangeably with testing assistant, but the law as written does not provide a name for the role. With that, he believes this language is appropriate to define that role. The executive director confirmed that Dr. Kinsora did previously approve this language, which he confirmed the proposal is worded well and should assist with clarification. The executive director mentioned to the Board that they will likely need to address NRS 641.440 in the future to include this revision to be consistent.

*On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved moving to a workshop the proposed revision to NAC 641.168(1)(b). (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.*

**14. (For Possible Action) Discussion and Possible Action on Whether the identity of a Nevada Psychologist who is identified as the Inviting Psychologist on an Application to Practice as a Non-Resident Consultant is confidential or can be disclosed upon request.**

The Board office recently received an inquiry from an attorney regarding whether a non-Nevada psychologist who performed an evaluation of his client in Nevada was permitted to do so. In its response, the Board office stated that the psychologist he identified had been approved to practice as a non-resident consultant in Nevada and that the inviting psychologist who supported the application was active in good standing. In responding to the attorney's query about the scope of services a non-resident consultant can provide, the Board office provided the information regarding what non-resident consultants are permitted to do that is publicly available on the Board's website. The inquiring attorney asked for the identity of the nonresident consultant's inviting psychologist. Not being sure whether the Board considers the information in a non-resident consultant's application confidential (the inviting psychologist's information being part of the application), and because neither the information that is available on the Board's website nor the NRS and NAC provisions that address nonresident consultants do not address that issue, this inquiry is being deferred to the Board to consider.

The executive director stated the statute and regulation that addresses the nonresident consultant were provided to the Board, but neither discuss this topic and do not provide clarity. The Board office generally considers the applications confidential, which is why

she is seeking Board clarification. Dr. Young indicated it is typical for other states to have a nonresident request form to have another licensee come into the state, but she wondered if including that the information is public information should be included in the form. She also wonders if it is only applicable if a person is coming from a non PsyPact state – Dr. Owens affirmed.

Dr. Paul asked if the applications come before the Board in a public meeting, which Dr. Owens stated they do not, instead they go to a Board member (Dr. Esmaeili) to review. Dr. Pearson wanted to clarify that the language for the inviting psychologist, it states they have responsibility for the conduct of the nonresident consultant and she is curious how that is defined. As Dr. Owens understands it, it is a way for individuals with expertise to allow individuals with that expertise to come into the state to practice and the supervising licensee can therein vouch for the nonresident consultant. In that case it would make the supervising licensee susceptible to consequences for making the recommendation to the state to allow that nonresident consultant to practice in Nevada should that nonresident consultant not be acting ethically. Dr. Young wanted to make it clear that the recommendations happen for business reasons as opposed to actually knowing a nonresident consultant. Dr. Owens agrees with Dr. Young that it does happen and the Board may want to define the nonresident consultant more thoroughly in the future, but for the purposes of today, they are looking to provide the executive director some clarity on how to move forward. Dr. Paul believes it is parallel with the application for licensure, which is confidential, but also with the supervised practice plans. She is not sure the original spirit of the language, but it is her understanding that the sponsoring licensee should be public as it should be taken very seriously. Dr. Paul does not believe sponsorship should be granted without that licensee truly knowing the nonresident consultant as the nonresident consultant would be practicing under the licensee's license. Dr. Owens affirmed Dr. Paul's thoughts that the intention is not being met by individuals. The language of the nonresident applications should be reviewed to ensure it is accurately portraying the importance of the licensee knowing the individual they are inviting to practice in the state. Dr. Paul stated that the Nevada Board does not have jurisdiction in California, so for protection of the public and Nevada, the person sponsoring is the individual the Board has jurisdiction over.

***On motion by Stephanie Holland, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved permit, upon request, the identify of an approved nonresident consultant's inviting psychologist. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Motion Carried: 6-0.***

The Board does not believe there is anything that precludes how many nonresident consultants a licensee can sponsor, nor is there anything that prevents a licensee from being paid for their sponsorship. Dr. Owens indicated the Board may want to look into this. Dr. Young remembered a precedent case wherein it was determined that someone inappropriately used the sponsorship opportunities, so she wanted to comment that the rule has been misused in the past. Dr. Kinsora provided comments indicating that the people he sponsors are known to him and that he indicates the case they are coming into the state for on the application. With that, he believes there should be language added to that extent to clarify that the nonresident consultant should come in for a specific case, and not to practice as a free for all, which the rules are silent on. The executive director clarified this information is specified in the application, but not in the rules and statutes. Dr. Owens stated she would like this added to a future agenda for the Board to review the nonresident consultant language. Dr. Lenkeit interjected that PsyPact has come up quite a bit, but he does not believe PsyPact would prevent the Board from needing to further clarity on the statute.

**15. (For Possible Action) Discussion and Possible Action on permitting the Executive Director to request a Board member to assist in ATEAM review and meetings when additional assistance is needed.**

From time to time, an ATEAM Committee member is not available to attend a scheduled ATEAM meeting, leaving the Committee with only 2 of the 3 members to review the applications before it. While the Committee only needs 2 members for a meeting quorum, it can create more work for the Committee depending on how many applicants are being reviewed. Today is a good example. The ATEAM committee has eight applications on the agenda for review, but one Committee member will not be attending the meeting, which puts all of the work on two Committee members. Dr. Owens was kind enough to offer to help the ATEAM today and, in advance of the meeting, has taken on the review of some of the applicants to lighten the load for the other Committee members.

To ensure transparency in the ATEAM committee makeup, either as it is comprised as a result of the Board's voting earlier this year or as substitutes may occasionally be needed, the executive director requests that the Board to approve: (1) Dr. Owens' participation as an ATEAM committee member for its meeting today that follows this meeting; and (2) to permit the executive director to request that another Board member who is experienced in reviewing applications for the ATEAM be a substitute Committee member when an ATEAM committee member will be absent for a meeting.

*On motion by Soseh Esmaili, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. Owens' participation as an ATEAM committee member for its meeting today that follows this meeting, and to permit the Executive Director to request that another Board member who is experienced in reviewing applications for the ATEAM be a substitute Committee member when an ATEAM committee member will be absent for a meeting. (Yea: Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Dr. Owens abstained from the vote as the motion is about her. Motion Carried: 5-0.*

**16. (For Possible Action) Discussion and Possible Action to revise the November meeting date on the Board's approved meeting schedule for 2024.**

During its September 8, 2023, meeting, the Board approved the meeting schedule for 2024. Almost all of the approved meeting dates are on the second Friday of the month, including the meeting for November 2024. That meeting date, which is November 8, 2024, is the Friday before a three-day weekend (the Veterans Day holiday being Monday, November 11, 2024). The Board is in agreement to move the meeting date.

*On motion by Monique Abarca, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved changing the November 2024 meeting date from November 8, 2024, to November 1, 2024. (Yea: Whitney Owens, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Monique Abarca.) Dr. Benuto was not present for this vote. Motion Carried: 5-0.*

**17. (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.**

The next regular meeting of the Nevada Board of Psychological Examiners is Friday, November 3, 2023, in Reno, Nevada, beginning at 10:00 a.m., and will be immediately followed by its Strategic Planning meeting. The ending time is proposed to be 5:00 p.m. It will be a hybrid meeting, so individuals can zoom in if necessary.

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

Dr. Young requested that the proposed change to the disciplinary policy that she prepared, to include a discipline provision for review and approval, as well as what training/letters/forms may be required, be added to next month's agenda. Dr. Lenkeit will review to either November or December's agenda. Dr. Owens stated there are additional changes to the disciplinary provision that she and the executive director discussed also revising after the ASPPB conference, which should be included for this topic and proposed revisions.

- 19. Public Comment** - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

No public comment at this time.

**20. (For Possible Action) Adjournment**

There being no further business before the Board, President Owens adjourned the meeting at 10:42 a.m.

**Nevada Board of Psychological Examiners  
Board Meeting Staff Report**

**DATE:** November 3, 2023

**ITEM:**

5 - (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2024 (July 1, 2023, Through June 30, 2024).

**SUMMARY:**

As of October 31, 2023, the checking account balance was \$347,745.37. The Board continues to operate on the almost \$81,000.00 net revenue for the second biennium quarter deferred income distribution as well as about \$22,000.00 from the other deferred revenue distributions such as late renewal fees, new licensures, and registrations. Nothing has changed regarding the next expected deferred revenue allocations from all sources, except that the distributions from new licensures and registrations received during this biennium quarter and will be cast forward into the third and fourth biennium quarters may be a little more than what was anticipated.

The savings account balance was \$105,063.01

With the end of October being a third of the way through the current fiscal year, the Board is at about 29 % of budgeted expenditures and just under 50% of expected revenue – most of which is the deferred income allocated to this biennium quarter.



**NV State Board of Psychological Examiners  
Budget to Actual - Fiscal Year 2024**

10/31/23

		FY24 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023  Actual + Projected	FY24-1 Biennial-Q2 July 2023-December 2023  Budgeted	FY24-2 Biennial-Q3 January 2024 - June 2024  Budgeted	FY25-1 Biennial-Q4 July 2024-December 2024  Budgeted
<b>INCOME</b>									
<b>Deferred Revenue</b>									
	Renewals - 7/1/23 and 1/1/24	161,460.66	<b>80,730.33</b>	50.00%	Renewals 23-24 biennium (1/1/23)	<b>80,730.33</b>	<b>80,730.33</b>	<b>80,730.33</b>	<b>80,730.33</b>
	Late Renewals - 7/1/23	31,639.96	<b>15,819.98</b>	50.00%	Late Renewals 23-24 biennium (7/1/23)		<b>15,819.98</b>	<b>15,819.98</b>	<b>15,819.98</b>
	New Licensure and Registrations	15,466.50	<b>6,233.25</b>	40.30%	New Licensure, Registrations, Reinstatements		<b>6,233.25</b>	<b>9,233.25</b>	<b>8,598.34</b>
<b>Regular Revenue</b>	23-24 Biennium Q4 New Licensure and Registrations								<b>1,800.00</b>
	<b>Applications</b>								
	Psychologist Application	10,000.00	<b>3,831.60</b>	38.32%		4,000.00	5,000.00	5,000.00	4,250.00
	PA Application	3,500.00	<b>1,395.90</b>	39.88%		1,800.00	1,750.00	1,750.00	1,750.00
	Intern Application	800.00	<b>615.30</b>	76.91%		400.00	400.00	400.00	500.00
	Trainee Application	1,250.00	<b>155.10</b>	12.41%		2,000.00	625.00	625.00	625.00
	Non-Resident Consultant	800.00	<b>200.00</b>	25.00%		750.00	400.00	400.00	500.00
	CE App Fee	1,000.00	<b>212.97</b>	21.30%		600.00	500.00	500.00	500.00
	<b>Other</b>								
	Late Fees					3,600.00	0.00	0.00	0.00
	Psychologist State Exam	8,000.00	<b>5,099.50</b>	63.74%		5,000.00	4,000.00	4,000.00	6,000.00
	New and Duplicate License	1,000.00	<b>900.00</b>	90.00%		500.00	500.00	500.00	750.00
	Verification of Licensure	200.00	<b>60.59</b>	30.30%		100.00	100.00	100.00	100.00
	Cost Recovered (Disciplinary)		<b>350.00</b>			0.00	0.00	0.00	0.00
	Interest, Misc	50.00	<b>14.16</b>	28.32%		25.00	25.00	25.00	25.00
<b>Total Income</b>		<b>\$235,167.12</b>	<b>\$115,618.68</b>	<b>49.16%</b>	<b>Income</b>	<b>\$ 99,480.33</b>	<b>\$ 116,083.56</b>	<b>\$ 119,083.56</b>	<b>\$ 121,948.65</b>

Payroll Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual + Projected	Budgeted	Budgeted	Budgeted
	Board Salary/Per Diem	9,000.00	1,500.00	16.67%		4,500.00	4,500.00	4,500.00	4,500.00
	Executive Director	50,000.00	16,253.09	32.51%		30,000.00	25,000.00	25,000.00	30,600.00
	Staff Salary (Part-Time)	20,000.00	1,691.39	8.46%		3,900.00	10,000.00	10,000.00	7,800.00
	Staff Benefits Reserve	1,500.00		0.00%		0.00	750.00	750.00	1,500.00
	Investigator Salary	10,000.00	4,636.34	46.36%		4,000.00	5,000.00	5,000.00	5,000.00
	Workers Compensation	1,200.00	201.24	16.77%		500.00	600.00	600.00	500.00
	PERS	19,000.00	8,636.46	45.46%		9,000.00	9,000.00	10,000.00	10,000.00
	Payroll Taxes (SS, Medicare)	13,000.00	2,404.25	18.49%		1,200.00	6,500.00	6,500.00	1,200.00
	Other Payroll Expenses	700.00	280.00	40.00%		350.00	350.00	350.00	250.00
	<b>Total Payroll</b>	<b>124,400.00</b>	<b>35,602.77</b>	<b>28.62%</b>		<b>53,450.00</b>	<b>61,700.00</b>	<b>62,700.00</b>	<b>61,350.00</b>

Operating Expenses		FY23 Budgeted Amount	FY24 Actual	% actual to budget		FY23-2 Biennial-Q1 January 2023-June 2023	FY24-1 Biennial-Q2 July 2023-December 2023	FY24-2 Biennial-Q3 January 2024 - June 2024	FY25-1 Biennial-Q4 July 2024-December 2024
						Actual + Projected	Budgeted	Budgeted	Budgeted
	Out of State	6,500.00	605.51	9.32%		2,500.00	3,000.00	3,500.00	3,500.00
	Meals								
	Lodging								
	Airfare								
	In-State Travel	1,000.00	351.96				1,000.00		1,500.00
	Supplies	750.00	316.01	42.13%		200.00	375.00	375.00	375.00
	Office Expense (Office Furniture, Shredding, Office Equipment)	2,500.00	2,535.35	101.41%		3,000.00	1,250.00	1,250.00	1,000.00
	Print-Copy	800.00	2.98	0.37%		350.00	400.00	400.00	350.00
	Copy Lease	1,400.00	451.62	32.26%		650.00	700.00	700.00	750.00
	Rent	14,500.00	3,343.38	23.06%		7,000.00	7,000.00	7,500.00	7,500.00
	Postage	250.00	63.00	25.20%		200.00	125.00	125.00	300.00
	DoIt Web SV	1,500.00	419.32	27.95%		500.00	750.00	750.00	500.00
	Telephone & Internet	1,750.00	533.16	30.47%		625.00	875.00	875.00	625.00
	Software & Database	7,000.00	356.94	5.10%		3,000.00	3,500.00	3,500.00	3,500.00
	Legal & Professional Fees	30,000.00	9,802.68	32.68%		10,000.00	15,000.00	15,000.00	17,500.00
	Tort Claim	1,000.00		0.00%		1,000.00	0.00	1,000.00	0.00

Professional Services (Auditor, Bookkeeper, Lobbyist)	27,500.00	8,746.25	31.80%		7,500.00	17,500.00	10,000.00	17,500.00
Dues & Reg (ASPPB, Conf, Continuing Ed)	6,000.00		0.00%		5,000.00	1,500.00	4,500.00	4,000.00
Admin Services (LCB)	1,000.00		0.00%		500.00	500.00	500.00	500.00
Banking Fees	250.00	4.00	1.60%		125.00	125.00	125.00	125.00
PayPal Fees (against regular revenue)	1,250.00	294.16	23.53%		500.00	625.00	625.00	500.00
Miscellaneous Expense	500.00		0.00%		250.00	250.00	250.00	250.00
Uncategorized Expense	500.00				150.00	250.00	250.00	150.00
<b>Total Expenses</b>	<b>\$98,450.00</b>	<b>\$27,826.32</b>	<b>28.26%</b>		<b>\$43,100.00</b>	<b>\$51,725.00</b>	<b>\$47,725.00</b>	<b>\$60,475.00</b>
<b>Total Expenses + Payroll</b>	<b>\$222,850.00</b>	<b>\$63,429.09</b>	<b>28.46%</b>		<b>\$96,550.00</b>	<b>\$113,425.00</b>	<b>\$110,425.00</b>	<b>\$121,825.00</b>
<b>Total Income</b>	<b>\$ 235,167.12</b>	<b>\$115,618.68</b>	<b>49.16%</b>		<b>\$ 99,480.33</b>	<b>\$ 116,083.56</b>	<b>\$ 119,083.56</b>	<b>\$ 121,948.65</b>
<b>Final Balance</b>	<b>\$12,317.12</b>	<b>\$52,189.59</b>			<b>\$2,930.33</b>	<b>\$2,658.56</b>	<b>\$8,658.56</b>	<b>\$123.65</b>

# NV State Board of Psychological Examiners

## Balance Sheet for Monthly Board Meeting

As of October 31, 2023

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
1100 Cash in Bank	347,745.37
3309 Savings	105,063.01
<b>Total Bank Accounts</b>	<b>\$452,808.38</b>
Accounts Receivable	
1200 Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$0.00</b>
Other Current Assets	
12000 Undeposited Funds	0.00
12100 Inventory Asset	0.00
1400 Prepaid Expenses	1,108.00
Uncategorized Asset	0.00
<b>Total Other Current Assets</b>	<b>\$1,108.00</b>
<b>Total Current Assets</b>	<b>\$453,916.38</b>
Other Assets	
1300 Deferred outflows of resources	0.00
<b>Total Other Assets</b>	<b>\$0.00</b>
<b>TOTAL ASSETS</b>	<b>\$453,916.38</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
1106 Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$0.00</b>
Other Current Liabilities	
2100 Federal Income Withholding	1,408.93
2100 Payroll Liabilities	1,992.06
2107 Federal Taxes (941/944)	142.53
2108 PERS	16,096.04
NV Unemployment Tax	0.00

# NV State Board of Psychological Examiners

## Balance Sheet for Monthly Board Meeting

As of October 31, 2023

	TOTAL
<b>Total 2100 Payroll Liabilities</b>	<b>18,230.63</b>
2101 Federal FICA Withholding	0.00
2102 Federal Medicare Withhold	0.00
2105 Employment Security	0.00
2110 Direct Deposit Liabilities	0.00
2200 Unearned Revenue	0.00
2300 Liability	-971.08
2301 Payroll Liabilities-Pers	0.00
2302 Accrued PTO	0.00
2450 Deferred inflow-pension	0.00
2455 Net pension liability	0.00
2600 Deferred Revenue	-37,592.03
2700 Direct Deposit Payable	0.00
<b>Total Other Current Liabilities</b>	<b>\$ -18,923.55</b>
<b>Total Current Liabilities</b>	<b>\$ -18,923.55</b>
<b>Total Liabilities</b>	<b>\$ -18,923.55</b>
Equity	
3000 Opening Bal Equity	1,315.04
3900 2550 Fund Balance	434,724.43
Net Income	36,800.46
<b>Total Equity</b>	<b>\$472,839.93</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$453,916.38</b>

# NV State Board of Psychological Examiners

ITEM 5

## Profit and Loss Monthly Board Meeting

October 2023

	TOTAL
Income	
4010 Psychologist Application	
40100 Psychologist Application	450.00
40102 Intern Application	155.10
<b>Total 4010 Psychologist Application</b>	<b>605.10</b>
4015 Psychologist State Exam	1,426.56
4020 Psych Biennial	
40201 Prorated Psych Biennial	2,262.76
<b>Total 4020 Psych Biennial</b>	<b>2,262.76</b>
4025 Psychologist Licensing Fee	
40251 New License	150.00
<b>Total 4025 Psychologist Licensing Fee</b>	<b>150.00</b>
4028 Registration Fee	
40281 Psych Asst fee	308.86
<b>Total 4028 Registration Fee</b>	<b>308.86</b>
4030 Non-Resident Consultant	100.00
4045 Verification of Licensure	60.59
4055 Continuing Education	30.00
4075 Restitution of Legal Costs	350.00
4999 Interest	3.57
<b>Total Income</b>	<b>\$5,297.44</b>
<b>GROSS PROFIT</b>	<b>\$5,297.44</b>
Expenses	
307910 7210 Dolt Web SVb	171.48
5175 Board Staf	
51753 Investigator Salary	1,817.00
<b>Total 5175 Board Staf</b>	<b>1,817.00</b>
5300 PERS	2,852.32
6100 Out of State Travel	193.53
7020 Office Expense	194.09
7200 Utilities	
7290 Telephone	133.29
<b>Total 7200 Utilities</b>	<b>133.29</b>
7500 Copy Lease	113.25
7770 Software	19.99
8000 Legal & Professional Fees	1,366.23
8050 Prof Servs	147.50
8055 Lobbyist	1,041.75
<b>Total 8050 Prof Servs</b>	<b>1,189.25</b>

# NV State Board of Psychological Examiners

ITEM 5

## Profit and Loss Monthly Board Meeting

October 2023

	TOTAL
9001 Banking Fees	
9002 Bank Crgs	1.00
<b>Total 9001 Banking Fees</b>	<b>1.00</b>
9100 Payroll Expenses	70.00
9110 Company Contributions	
Retirement	926.52
<b>Total 9110 Company Contributions</b>	<b>926.52</b>
9130 Wages	5,644.42
Taxes	
9111 Federal Taxes (941/944)	570.81
<b>Total Taxes</b>	<b>570.81</b>
<b>Total 9100 Payroll Expenses</b>	<b>7,211.75</b>
PayPal Fees	114.89
<b>Total Expenses</b>	<b>\$15,378.07</b>
NET OPERATING INCOME	<b>\$ -10,080.63</b>
NET INCOME	<b>\$ -10,080.63</b>

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
3309 Savings							
	Beginning Balance						105,059.44
10/31/2023	Deposit		Interest		4999 Interest	3.57	105,063.01
<b>Total for 3309 Savings</b>						<b>\$3.57</b>	
1100 Cash in Bank							
	Beginning Balance						356,524.78
10/02/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-69.50	356,455.28
10/05/2023	Deposit				-Split-	300.00	356,755.28
10/05/2023	Expense		Office of the Attorney General		8000 Legal & Professional Fees	-1,366.23	355,389.05
10/10/2023	Deposit				-Split-	1,876.63	357,265.68
10/10/2023	Expense		Laura M Arnold		6100 Out of State Travel	-29.76	357,235.92
10/10/2023	Expense		Whitney Owens		6100 Out of State Travel	-163.77	357,072.15
10/10/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-16.24	357,055.91
10/10/2023	Expense		Burgarello Alarm		7020 Office Expense	-155.59	356,900.32
10/10/2023	Expense				8050 Prof Servs	-147.50	356,752.82
10/11/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-16.24	356,736.58
10/11/2023	Tax Payment		IRS	Tax Payment for Period: 09/01/2023-09/30/2023	2100 Federal Income Withholding	-2,296.77	354,439.81
10/11/2023	Expense		PERS		5300 PERS	-2,852.32	351,587.49
10/11/2023	Expense		Red Rock Spring Water		7020 Office Expense	-38.50	351,548.99
10/11/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-63.65	351,485.34
10/12/2023	Expense				9001 Banking Fees:9002 Bank Crgs	-1.00	351,484.34
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 09/29/2023-10/12/2023	2700 Direct Deposit Payable	-115.44	351,368.90
10/13/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 09/29/2023-10/12/2023	2700 Direct Deposit Payable	-1,791.75	349,577.15
10/17/2023	Expense		QuickBooks Payroll Service		9100 Payroll Expenses	-70.00	349,507.15
10/18/2023	Expense		Information Technology		307910 7210 Dolt Web SVb	-69.50	349,437.65
10/18/2023	Deposit				-Split-	1,330.86	350,768.51
10/19/2023	Deposit				-Split-	940.00	351,708.51
10/19/2023	Expense		AT&T		7200 Utilities:7290 Telephone	-69.64	351,638.87
10/23/2023	Expense		Kathleen Laxalt		8050 Prof Servs:8055 Lobbyist	-1,041.75	350,597.12
10/23/2023	Expense		Canon Financial Services, Inc.		7500 Copy Lease	-113.25	350,483.87
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 10/13/2023-10/26/2023	2700 Direct Deposit Payable	-207.79	350,276.08



# NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
10/27/2023	Payroll Check	DD	Sheila G. Young	Pay Period: 10/13/2023-10/26/2023	2700 Direct Deposit Payable	-802.52	349,473.56
10/27/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 10/13/2023-10/26/2023	2700 Direct Deposit Payable	-1,791.74	347,681.82
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 10/13/2023-10/26/2023	2700 Direct Deposit Payable	-647.95	347,033.87
10/30/2023	Deposit				-Split-	711.50	347,745.37
<b>Total for 1100 Cash in Bank</b>						<b>\$ - 8,779.41</b>	
1400 Prepaid Expenses							
Beginning Balance							
<b>Total for 1400 Prepaid Expenses</b>							1,108.00
2100 Payroll Liabilities							
Beginning Balance							
<b>Total for 2100 Payroll Liabilities</b>							1,992.06
2107 Federal Taxes (941/944)							
Beginning Balance							
<b>Total for 2107 Federal Taxes (941/944)</b>							142.53
2108 PERS							
Beginning Balance							
10/13/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	463.26	14,706.26
10/13/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	463.26	15,169.52
10/27/2023	Payroll Check	DD	Laura M. Arnold	PERS	2700 Direct Deposit Payable	463.26	15,632.78
10/27/2023	Payroll Check	DD	Laura M. Arnold	PERS - Company Contribution	2700 Direct Deposit Payable	463.26	16,096.04
<b>Total for 2108 PERS</b>						<b>\$1,853.04</b>	
NV Unemployment Tax							
10/13/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
10/13/2023	Payroll Check	DD	Kelly N. Weaver	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Laura M. Arnold	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Sheila G. Young	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Kelly N. Weaver	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	NV Unemployment Tax	2700 Direct Deposit Payable	0.00	0.00
<b>Total for NV Unemployment Tax</b>						<b>\$0.00</b>	
<b>Total for 2100 Payroll Liabilities with subs</b>						<b>\$1,853.04</b>	
2600 Deferred Revenue							

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Beginning Balance							-37,592.03
<b>Total for 2600 Deferred Revenue</b>							
2700 Direct Deposit Payable							
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Direct Deposit	1100 Cash in Bank	-115.44	-115.44
10/13/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 09/29/2023-10/12/2023	-Split-	1,791.75	1,676.31
10/13/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,791.75	-115.44
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 09/29/2023-10/12/2023	-Split-	115.44	0.00
10/27/2023	Payroll Check	DD	Sheila G. Young	Direct Deposit	1100 Cash in Bank	-802.52	-802.52
10/27/2023	Payroll Check	DD	Sheila G. Young	Pay Period: 10/13/2023-10/26/2023	-Split-	802.52	0.00
10/27/2023	Payroll Check	DD	Laura M. Arnold	Direct Deposit	1100 Cash in Bank	-1,791.74	-1,791.74
10/27/2023	Payroll Check	DD	Laura M. Arnold	Pay Period: 10/13/2023-10/26/2023	-Split-	1,791.74	0.00
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Direct Deposit	1100 Cash in Bank	-647.95	-647.95
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Direct Deposit	1100 Cash in Bank	-207.79	-855.74
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Pay Period: 10/13/2023-10/26/2023	-Split-	647.95	-207.79
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Pay Period: 10/13/2023-10/26/2023	-Split-	207.79	0.00
<b>Total for 2700 Direct Deposit Payable</b>							<b>\$0.00</b>
2100 Federal Income Withholding							
Beginning Balance							1,957.18
10/11/2023	Tax Payment		IRS	Federal Taxes (941/943/944)	1100 Cash in Bank	-2,296.77	-339.59
10/13/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	594.71	255.12
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	19.12	274.24
10/27/2023	Payroll Check	DD	Laura M. Arnold	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	594.73	868.97
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	34.42	903.39
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	372.58	1,275.97
10/27/2023	Payroll Check	DD	Sheila G. Young	Federal Taxes (941/943/944)	2700 Direct Deposit Payable	132.96	1,408.93
<b>Total for 2100 Federal Income Withholding</b>							<b>\$ -548.25</b>
2300 Liability							
Beginning Balance							-971.08
<b>Total for 2300 Liability</b>							
3000 Opening Bal Equity							
Beginning Balance							1,315.04
<b>Total for 3000 Opening Bal Equity</b>							
3900 2550 Fund Balance							

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
	Beginning Balance						434,724.43
<b>Total for 3900 2550 Fund Balance</b>							
4055 Continuing Education							
	Beginning Balance						152.08
10/30/2023	Deposit			CE App fee	1100 Cash in Bank	30.00	182.08
<b>Total for 4055 Continuing Education</b>							<b>\$30.00</b>
4010 Psychologist Application							
40100 Psychologist Application							
	Beginning Balance						3,381.60
10/10/2023	Deposit			Refund - app withdrawn	1100 Cash in Bank	-155.10	3,226.50
10/18/2023	Deposit			Psych app fee	1100 Cash in Bank	155.10	3,381.60
10/19/2023	Deposit			Licensure App fee	1100 Cash in Bank	150.00	3,531.60
10/30/2023	Deposit			Psych app fee	1100 Cash in Bank	150.00	3,681.60
10/30/2023	Deposit			Psych app fee	1100 Cash in Bank	150.00	3,831.60
<b>Total for 40100 Psychologist Application</b>							<b>\$450.00</b>
40101 PA Application							
	Beginning Balance						1,395.90
<b>Total for 40101 PA Application</b>							
40102 Intern Application							
	Beginning Balance						460.20
10/10/2023	Deposit			PI App fee	1100 Cash in Bank	155.10	615.30
<b>Total for 40102 Intern Application</b>							<b>\$155.10</b>
40103 Trainee Application							
	Beginning Balance						155.10
<b>Total for 40103 Trainee Application</b>							
<b>Total for 4010 Psychologist Application</b>							<b>\$605.10</b>
4015 Psychologist State Exam							
	Beginning Balance						3,672.94
10/05/2023	Deposit			SE App fee	1100 Cash in Bank	200.00	3,872.94
10/10/2023	Deposit			SE App fee	1100 Cash in Bank	206.64	4,079.58
10/10/2023	Deposit			SE App fee	1100 Cash in Bank	206.64	4,286.22
10/18/2023	Deposit			SE App fee	1100 Cash in Bank	206.64	4,492.86
10/18/2023	Deposit			SE app fee	1100 Cash in Bank	206.64	4,699.50
10/19/2023	Deposit			SE App fee	1100 Cash in Bank	200.00	4,899.50
10/19/2023	Deposit			SE App fee	1100 Cash in Bank	200.00	5,099.50
<b>Total for 4015 Psychologist State Exam</b>							<b>\$1,426.56</b>
4020 Psych Biennial							
	Beginning Balance						83,480.00

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
<b>Total for 4020 Psych Biennial</b>							
40201 Prorated Psych Biennial							
Beginning Balance							8,111.40
10/10/2023	Deposit			New licensure	1100 Cash in Bank	380.78	8,492.18
10/10/2023	Deposit			New licensure	1100 Cash in Bank	384.33	8,876.51
10/10/2023	Deposit			New licensure	1100 Cash in Bank	384.33	9,260.84
10/18/2023	Deposit			new licensure	1100 Cash in Bank	380.78	9,641.62
10/18/2023	Deposit			new licensure	1100 Cash in Bank	376.04	10,017.66
10/30/2023	Deposit			New licensure	1100 Cash in Bank	356.50	10,374.16
<b>Total for 40201 Prorated Psych Biennial</b>						<b>\$2,262.76</b>	
40203 Reinstatement of Psych							
Beginning Balance							625.08
<b>Total for 40203 Reinstatement of Psych</b>							
<b>Total for 4020 Psych Biennial with subs</b>						<b>\$2,262.76</b>	
4025 Psychologist Licensing Fee							
Beginning Balance							250.00
<b>Total for 4025 Psychologist Licensing Fee</b>							
40251 New License							
Beginning Balance							500.00
10/10/2023	Deposit			New license	1100 Cash in Bank	25.00	525.00
10/10/2023	Deposit			New license	1100 Cash in Bank	25.00	550.00
10/10/2023	Deposit			New license	1100 Cash in Bank	25.00	575.00
10/18/2023	Deposit			new license fee	1100 Cash in Bank	25.00	600.00
10/18/2023	Deposit			new license fee	1100 Cash in Bank	25.00	625.00
10/30/2023	Deposit			New license fee	1100 Cash in Bank	25.00	650.00
<b>Total for 40251 New License</b>						<b>\$150.00</b>	
<b>Total for 4025 Psychologist Licensing Fee with subs</b>						<b>\$150.00</b>	
4028 Registration Fee							
Beginning Balance							154.43
<b>Total for 4028 Registration Fee</b>							
40281 Psych Asst fee							
Beginning Balance							1,839.87
10/10/2023	Deposit			PA Registration fee	1100 Cash in Bank	154.43	1,994.30
10/10/2023	Deposit			PA Registration fee	1100 Cash in Bank	154.43	2,148.73
<b>Total for 40281 Psych Asst fee</b>						<b>\$308.86</b>	
40282 Psych Intern Fee							
Beginning Balance							77.21
<b>Total for 40282 Psych Intern Fee</b>							
40283 Psych Trainee							

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
	Beginning Balance						61.78
<b>Total for 40283 Psych Trainee</b>							
<b>Total for 4028 Registration Fee with subs</b>						<b>\$308.86</b>	
4030 Non-Resident Consultant							
	Beginning Balance						100.00
10/05/2023	Deposit			NRC App fee	1100 Cash in Bank	100.00	200.00
<b>Total for 4030 Non-Resident Consultant</b>						<b>\$100.00</b>	
4040 CE App Fee							
	Beginning Balance						30.89
<b>Total for 4040 CE App Fee</b>							
4045 Verification of Licensure							
10/10/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX98616328 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	1100 Cash in Bank	20.59	20.59
10/19/2023	Deposit			License verification fee	1100 Cash in Bank	20.00	40.59
10/19/2023	Deposit			Licensure verification fee	1100 Cash in Bank	20.00	60.59
<b>Total for 4045 Verification of Licensure</b>						<b>\$60.59</b>	
4075 Restitution of Legal Costs							
10/19/2023	Deposit			Cost and fees reimb	1100 Cash in Bank	350.00	350.00
<b>Total for 4075 Restitution of Legal Costs</b>						<b>\$350.00</b>	
4999 Interest							
	Beginning Balance						10.59
10/31/2023	Deposit		Interest	Interest Earned	3309 Savings	3.57	14.16
<b>Total for 4999 Interest</b>						<b>\$3.57</b>	
307910 7210 Dolt Web SVb							
	Beginning Balance						247.84
10/02/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	69.50	317.34
10/10/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	16.24	333.58
10/11/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	16.24	349.82
10/18/2023	Expense		Information Technology	NV Information Technology Bill Payment	1100 Cash in Bank	69.50	419.32
<b>Total for 307910 7210 Dolt Web SVb</b>						<b>\$171.48</b>	
9100 Payroll Expenses							
	Beginning Balance						210.00
10/17/2023	Expense		QuickBooks Payroll Service	INTUIT * DES:QBooks Pay ID:3035502 PSYCHOLGIC CO ID:XXXXX56346 CCD	1100 Cash in Bank	70.00	280.00
<b>Total for 9100 Payroll Expenses</b>						<b>\$70.00</b>	
9110 Company Contributions							
Retirement							
	Beginning Balance						3,097.22
10/13/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	463.26	3,560.48
10/27/2023	Payroll Check	DD	Laura M. Arnold	Employer Retirement Contribution	2700 Direct Deposit Payable	463.26	4,023.74

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
<b>Total for Retirement</b>						<b>\$926.52</b>	
<b>Total for 9110 Company Contributions</b>						<b>\$926.52</b>	
9130 Wages							
Beginning Balance							19,700.47
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	125.00	19,825.47
10/13/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	22,472.68
10/27/2023	Payroll Check	DD	Laura M. Arnold	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	2,647.21	25,119.89
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	225.00	25,344.89
<b>Total for 9130 Wages</b>						<b>\$5,644.42</b>	
Taxes							
9111 Federal Taxes (941/944)							
Beginning Balance							1,833.44
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Social Security Employer	2700 Direct Deposit Payable	7.75	1,841.19
10/13/2023	Payroll Check	DD	Kelly N. Weaver	Medicare Employer	2700 Direct Deposit Payable	1.81	1,843.00
10/13/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.38	1,881.38
10/13/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	2,045.51
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Medicare Employer	2700 Direct Deposit Payable	13.75	2,059.26
10/27/2023	Payroll Check	DD	Laura M. Arnold	Social Security Employer	2700 Direct Deposit Payable	164.13	2,223.39
10/27/2023	Payroll Check	DD	Laura M. Arnold	Medicare Employer	2700 Direct Deposit Payable	38.39	2,261.78
10/27/2023	Payroll Check	DD	Sheila G. Young	Social Security Employer	2700 Direct Deposit Payable	53.88	2,315.66
10/27/2023	Payroll Check	DD	Sheila G. Young	Medicare Employer	2700 Direct Deposit Payable	12.60	2,328.26
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Social Security Employer	2700 Direct Deposit Payable	13.95	2,342.21
10/27/2023	Payroll Check	DD	Kelly N. Weaver	Medicare Employer	2700 Direct Deposit Payable	3.26	2,345.47
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Social Security Employer	2700 Direct Deposit Payable	58.78	2,404.25
<b>Total for 9111 Federal Taxes (941/944)</b>						<b>\$570.81</b>	
NV Unemployment Tax							
10/13/2023	Payroll Check	DD	Kelly N. Weaver	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00

# NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
10/13/2023	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
10/13/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
10/13/2023	Payroll Check	DD	Kelly N. Weaver	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Kelly N. Weaver	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Kelly N. Weaver	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Laura M. Arnold	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Laura M. Arnold	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Sheila G. Young	NV SUI Employer	2700 Direct Deposit Payable	0.00	0.00
10/27/2023	Payroll Check	DD	Sheila G. Young	NV Career Enhancement Program	2700 Direct Deposit Payable	0.00	0.00
<b>Total for NV Unemployment Tax</b>						<b>\$0.00</b>	
<b>Total for Taxes</b>						<b>\$570.81</b>	
<b>Total for 9100 Payroll Expenses with subs</b>						<b>\$7,211.75</b>	
5100 Board Sal							
Beginning Balance							1,500.00
<b>Total for 5100 Board Sal</b>							
5175 Board Staf							
51752 Executive Assistant Beginning Balance							290.90
<b>Total for 51752 Executive Assistant</b>							
51753 Investigator Salary							
Beginning Balance							4,266.00
10/27/2023	Payroll Check	DD	Gary C. Lenkeit	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	948.00	5,214.00
10/27/2023	Payroll Check	DD	Sheila G. Young	Gross Pay - This is not a legal pay stub	2700 Direct Deposit Payable	869.00	6,083.00
<b>Total for 51753 Investigator Salary</b>						<b>\$1,817.00</b>	
<b>Total for 5175 Board Staf</b>						<b>\$1,817.00</b>	
5250 Workers Compensation							
Beginning Balance							201.24
<b>Total for 5250 Workers Compensation</b>							
5300 PERS							

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Beginning Balance							1,760.40
10/11/2023	Expense		PERS	TRANSFER NV BOARD OF PSYCHOLO:Public Employee's Re Confirmation# XXXXX56912	1100 Cash in Bank	2,852.32	4,612.72
<b>Total for 5300 PERS</b>						<b>\$2,852.32</b>	
6100 Out of State Travel							
Beginning Balance							411.98
10/10/2023	Expense		Laura M Arnold	Laura M. Arnold Bill Payment	1100 Cash in Bank	29.76	441.74
10/10/2023	Expense		Whitney Owens	Whitney Owens Bill Payment	1100 Cash in Bank	163.77	605.51
<b>Total for 6100 Out of State Travel</b>						<b>\$193.53</b>	
6200 In State Travel							
Beginning Balance							351.96
<b>Total for 6200 In State Travel</b>							
7015 Supplies							
Beginning Balance							316.01
<b>Total for 7015 Supplies</b>							
7020 Office Expense							
Beginning Balance							2,267.26
10/10/2023	Expense		Burgarello Alarm	Burgarello Alarm Bill Payment	1100 Cash in Bank	155.59	2,422.85
10/11/2023	Expense		Red Rock Spring Water	Red Rock Spring Water Bill Payment	1100 Cash in Bank	38.50	2,461.35
<b>Total for 7020 Office Expense</b>						<b>\$194.09</b>	
7040 Print-Copy							
Beginning Balance							2.98
<b>Total for 7040 Print-Copy</b>							
7050 Rent							
Beginning Balance							3,343.38
<b>Total for 7050 Rent</b>							
85100 Shredding							
Beginning Balance							74.00
<b>Total for 85100 Shredding</b>							
<b>Total for 7020 Office Expense with subs</b>						<b>\$194.09</b>	
7100 Postage							
Beginning Balance							63.00
<b>Total for 7100 Postage</b>							
7200 Utilities							
7290 Telephone							
Beginning Balance							399.87
10/11/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	63.65	463.52
10/19/2023	Expense		AT&T	AT&T Local and Long Distance Bill Payment	1100 Cash in Bank	69.64	533.16
<b>Total for 7290 Telephone</b>						<b>\$133.29</b>	
<b>Total for 7200 Utilities</b>						<b>\$133.29</b>	
7500 Copy Lease							
Beginning Balance							338.37



## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
10/23/2023	Expense		Canon Financial Services, Inc.	Canon Financial Services Bill Payment	1100 Cash in Bank	113.25	451.62
<b>Total for 7500 Copy Lease</b>						<b>\$113.25</b>	
7770 Software							
Beginning Balance							
10/10/2023	Deposit			Adobe	1100 Cash in Bank	-19.99	316.96
10/10/2023	Deposit			Adobe	1100 Cash in Bank	19.99	336.95
10/10/2023	Deposit			PAYPAL DES:TRANSFER ID:XXXXX98616328 BOARD OF PSYCHO CO ID:PAYPALSD11 PPD	INDN:NEVADA 1100 Cash in Bank	19.99	356.94
<b>Total for 7770 Software</b>						<b>\$19.99</b>	
8000 Legal & Professional Fees							
Beginning Balance							
10/05/2023	Expense		Office of the Attorney General	NV Attorney General - AG Bill Payment	1100 Cash in Bank	1,366.23	9,802.68
<b>Total for 8000 Legal &amp; Professional Fees</b>						<b>\$1,366.23</b>	
8050 Prof Servs							
Beginning Balance							
10/10/2023	Expense			Zelle payment to Michelle Fox "Invoice No. 310 Dated 10-8-2023"; Conf# nen9mgn5c	1100 Cash in Bank	147.50	3,537.50
<b>Total for 8050 Prof Servs</b>						<b>\$147.50</b>	
8055 Lobbyist							
Beginning Balance							
10/23/2023	Expense		Kathleen Laxalt	Kathleen Laxalt Bill Payment	1100 Cash in Bank	1,041.75	5,208.75
<b>Total for 8055 Lobbyist</b>						<b>\$1,041.75</b>	
<b>Total for 8050 Prof Servs with subs</b>						<b>\$1,189.25</b>	
9001 Banking Fees							
9002 Bank Crgs							
Beginning Balance							
10/12/2023	Expense			External transfer fee - 3 Day - 10/11/2023 Confirmation: XXXXX8524	1100 Cash in Bank	1.00	4.00
<b>Total for 9002 Bank Crgs</b>						<b>\$1.00</b>	
<b>Total for 9001 Banking Fees</b>						<b>\$1.00</b>	
PayPal Fees							
Beginning Balance							
10/10/2023	Deposit			Deferred PP fee	1100 Cash in Bank	12.62	580.88
10/10/2023	Deposit			Regular PP fee	1100 Cash in Bank	5.90	586.78
10/10/2023	Deposit			Deferred PP fee	1100 Cash in Bank	12.73	599.51
10/10/2023	Deposit			Deferred PP fee	1100 Cash in Bank	5.11	604.62
10/10/2023	Deposit			Regular PP fee	1100 Cash in Bank	7.70	612.32
10/10/2023	Deposit			Deferred PP fee	1100 Cash in Bank	5.88	618.20
10/10/2023	Deposit			Deferred PP fee	1100 Cash in Bank	12.73	630.93
10/10/2023	Deposit			Regular PP fee	1100 Cash in Bank	6.67	637.60

## NV State Board of Psychological Examiners

## General Ledger

October 2023

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
10/10/2023	Deposit			Regular PP fee	Bank 1100 Cash in	1.21	638.81
10/18/2023	Deposit			Regular PP fee	Bank 1100 Cash in	6.67	645.48
10/18/2023	Deposit			Deferred PP fee	Bank 1100 Cash in	12.48	657.96
10/18/2023	Deposit			Deferred PP fee	Bank 1100 Cash in	12.62	670.58
10/18/2023	Deposit			Regular PP fee	Bank 1100 Cash in	6.67	677.25
10/18/2023	Deposit			regular PP fee	Bank 1100 Cash in	5.90	683.15
<b>Total for PayPal Fees</b>						<b>\$114.89</b>	

Executive Director Report  
Office Stats - Fiscal Year 24

		6/24	5/24	4/24	3/24	2/24	1/24	12/23	11/23	10/23	9/23	8/23	7/23	FY24 Totals
<b>Psychologists</b>	Licenses Issued									8	6	6	5	25
	Applications Received									5	4	11	6	26
<b>Psychological Assistants</b>	Registrations Issued									0	6	7	3	16
	Applications Received									1	1	1	7	10
<b>Psychological Interns</b>	Registrations Issued									0	0	0	2	2
	Applications Received									1	0	2	0	3
<b>Psychological Trainees</b>	Registrations Issued									0	1	1	0	2
	Applications Received									0	0	1	0	1
<b>Non-Resident Consultants</b>	Registrations Issued									1	0	0	1	2
<b>Background Checks</b>	Reviewed									1	0	2	1	4
<b>Continuing Education</b>	Applications Reviewed									2	3	4	0	9
<b>State Exams</b>	Administered									8	9	6	6	29
<b>Complaints</b>	Received									2	2	2	4	10
	Informal									0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0	0	0	29	32	43	35	139
<b>Licensees</b>	Active Licensees									685	677	671	665	
	Inactive - 62													
	Expired - 448													

**Current Applications and Registrations:**

	<b>APP</b>	<b>REG</b>
Psychologists	98	
Psychological Assistants	10	38
Psychological Interns	10	12
Psychological Trainees	3	34

# NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

## STAFF REPORT

November 3, 2023

*Item No. 10*

*Revisions to NBOPE's Complaints and Discipline Policy.*

The executive director has re-done the Complaints and Discipline policy to:

- adjust the flow and writing style
- clarify some of the processes to reflect how complaints are addressed in practice
- remove duplicate language
- add reference to complaints that involve court ordered evaluations and psychological services
- remove reference to appendices that did not exist and add reference to appendices that do and are proposed
- make revisions Dr. Lenkeit proposed in reference to adding "remedial" to some of the sections that involve discipline
- add a table of contents that includes page number references and is hyperlinked



## *CURRENT POLICY*

### NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS

#### Complaint and Disciplinary Policy

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#### **Purpose**

The Nevada Legislature created the Nevada State Board of Psychological Examiners (Board) to regulate the practice of psychology because it is a learned profession, affecting public safety, health, and welfare and subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.<sup>1</sup> The Board is charged with enforcing Nevada Revised Statutes (NRS) Chapter 641 and Nevada Administrative Code (NAC) Chapter 641 for the protection and benefit of the public.<sup>2</sup>

The Nevada Legislature further established minimum procedural requirements for the adjudication of contested cases pending before the Board, in order to ensure that the due process rights of psychologists and other persons are protected and to establish uniformity in procedure across regulatory bodies.<sup>3</sup>

It is the intent of the Board, through this policy, to carry out the mission delegated to it by the Nevada Legislature, as described above.

#### **Definitions**

1. "Complainant" refers to the party making the complaint.
2. "Respondent" refers to the subject of a complaint.
3. "Investigator" refers to the investigator employed by the Nevada Board of Psychological Examiners.
4. "Executive Director" refers to the administrative staff employed by the Nevada Board of Psychological Examiners.
5. "Board" refers to the Nevada Board of Psychological Examiners.
6. "NRS" refers to Nevada Revised Statutes
7. "NAC" refers to Nevada Administrative Code

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<sup>1</sup> NRS 641.010

<sup>2</sup> NRS 622.080

<sup>3</sup> NRS 233B.020; NRS 622A.130

## Procedure

### 1. Complaint Investigation Procedure:

- a. Any person may file a written complaint regarding the practice of psychology in this State with the Board office.<sup>4</sup> The complaint may be against a psychologist, an unlicensed person, or an applicant for licensure.
  - i. Anonymous complaints will be accepted by the Board. However, depending on the information provided by the complainant, it may be difficult to fully investigate an anonymous complaint and/or an anonymous complaint may be more likely to be deemed frivolous.
  - ii. If the Board office receives a complaint against a person who is not licensed by the Board and/or is not practicing psychology, the Board office shall forward the complaint to the appropriate licensing board.<sup>5</sup>
- b. The Executive Director shall maintain oversight of the complaints process, and generally serve as liaison between the Complainant, Respondent, Board investigators and Board legal counsel, unless otherwise described within this policy.
- c. The Executive Director shall assign an investigator to review all complaints filed with the Board to see if they raise serious concerns regarding the immediate health, safety, and welfare of the public such that emergency action is required. If a complaint raises such concerns, refer to the "Special Situations" section of this policy (#3, page 8).
- d. If applicable, the complainant must sign a release of records, allowing the respondent to provide the Board office with records regarding the complainant and/or the client in response to the complaint.
  - i. If the complainant is legally authorized to sign a release of records and fails to sign a release of records, unless in the view of the assigned Board investigator extraordinary cause exists, the complaint will be deemed invalid and the complaint will be dismissed without investigation or action.
  - ii. If the complainant is not legally authorized to sign a release of records for the complainant and/or the client, the Board may

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<sup>4</sup> NRS 641.250(1). The filing of a frivolous complaint by a psychologist may be grounds for disciplinary action. NRS 641.230(1)(d); NAC 641.208(3) (A psychologist shall "not engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession.").

<sup>5</sup> NRS 629.079. The Board still may investigate unlicensed activity and/or take action regarding the unlicensed practice of psychology.

subpoena those records necessary to investigate the complaint pursuant to NRS 641.245.<sup>6</sup> See Sample Subpoena (Appendix A).

- e. After receiving a complaint pursuant to NRS 641.250, the Board office will forward the complaint to a Board investigator for review.
- f. If the Board investigator reviews a complaint and determines it is not frivolous,<sup>7</sup> unless the Board investigator believes extraordinary cause exists,<sup>8</sup> the psychologist or other person named in the complaint will be notified of the complaint by letter sent to his/her/their last known address on file with the Board. See Sample Letter attached as Appendix B. If the complaint is against a psychologist, the psychologist must respond to the Board's letter within thirty (30) days.<sup>9</sup>
  - i. If the Respondent does not respond to the Board's letter within thirty (30) days, the Board's attorney will send, or direct the Executive Director to send, a letter to the psychologist at his/her/their last known address on file with the Board by regular and certified mail informing him/her/them of his/her/their duty to respond to the complaint pursuant to NAC 641.210(2) and that failure to do so may result in disciplinary action. The Board's attorney's letter will provide the psychologist with at least twenty (20) additional days to respond. See Sample Letter attached as Appendix C.
  - ii. If the Respondent does not respond, the Board office will file a complaint against the Respondent for his/her/their failure to respond and notice of this complaint will be sent to the Respondent and the matter will be assigned to a Board investigator for investigation.
    - 1. A psychologist's failure to update his/her/their license with the Board will only be a defense to the psychologist's failure to respond to the Board's letter and the Board's attorney's

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<sup>6</sup> A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

<sup>7</sup> NRS 641.270.

<sup>8</sup> An example of extraordinary cause may be a situation where the complainant could be in danger if the psychologist or other person is notified of the complaint at this stage in the investigation.

<sup>9</sup> NAC 641.210(2). Failure to respond to the Board office within thirty (30) days may be ground for disciplinary action against the psychologist.

letter if the address change was for less than thirty (30) days.<sup>10</sup>

- g. If the person named in the complaint retains an attorney to represent him/her/them during the investigative process, all future communications between the Board office or the Board investigator and the person named in the complaint will be done through the Board attorney and the attorney for the person named in the complaint. Requests for extensions of time to respond, requests for more information, responses to requests for information, or other communications made during the investigation will be made attorney to attorney and not from Board staff to the person named in the complaint, unless otherwise directed by the Board's attorney that the executive director communicate with the Respondent and/or his/her/their attorney.
- h. If the Board investigator reviews a complaint and determines it is invalid, he/she/they will draft a report regarding his/her/their review and determination. This report and the complaint will be reviewed by the Board's attorney. If the Board's attorney concurs with the Board investigator's determination, the Board investigator will recommend that the Board dismiss the complaint at its next meeting.
- i. When the psychologist or other person named in the complaint's response to the complaint is received, the Board office will forward the complaint, the response, and any relevant records or other information provided by either the complainant or the respondent to a Board investigator for investigation.
- j. The Board investigator's investigation will include a review of the complaint, the response, and other records or information received to determine if there is any violation of NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629.
- k. At the Board investigator's discretion, he/she/they may interview the parties, including the complainant and the respondent, as well as any possible witnesses as part of his/her/their investigation. These interviews may be conducted by phone or other means that the Board investigator deems appropriate. If any of the parties are represented by counsel, the Board investigator will confer with the Board's attorney to determine how to proceed in order to ensure that the party's rights are protected.
- l. If the Board investigator believes that more information is necessary to adequately investigate the complaint, the Board investigator may send, or

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<sup>10</sup> See NAC 641.210(3).



request that the executive director send, a letter to the complainant or the respondent requesting such information. The Board investigator's letter shall be mailed to the complainant or the respondent by regular and certified mail. If available, the Board investigator, or executive director, may communicate with either party by e-mail. A deadline for receipt of a response to that letter which must be not less than thirty (30) days shall be provided.

- m. If the Board investigator believes that more information is necessary to adequately investigate the complaint and a written letter or interview will not allow the Board investigator to obtain that information,<sup>11</sup> the Board investigator may request a subpoena requesting that information be issued pursuant to NRS 641.245.<sup>12</sup>
- n. In conjunction with investigating some complaints, the Board's investigator may determine that it is necessary to ask a psychologist named in a complaint to complete a mental or physical examination pursuant to NRS 641.272. For more information, please review the "Special Situations" section of this policy, III (B).
- o. After gathering all necessary evidence and information, the Board investigator shall determine whether the psychologist or other person named in the complaint has violated NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629.
  - i. In order to protect the public, the Board investigator's determination is not limited to the allegations alleged by the complainant in the complaint. Instead, any violations that are discovered in the investigation by the investigator should be included and addressed in the investigator's report.
- p. The Board investigator shall draft a written report containing his/her/their determination regarding the alleged violations as well as any additional violations discovered in his/her/their investigation. The report must include the following:

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<sup>11</sup> For example, depending on the allegations in the complaint, the Board investigator may want to review a pharmacy utilization report for the person named in the complaint. If this is necessary, the Board investigator should contact the Board's Executive Director and the Board's attorney so that an appropriate request may be made to the State of Nevada, Board of Pharmacy.

<sup>12</sup> A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

- i. A summary of the allegations against the psychologist or other person named in the complaint;
- ii. A summary of the psychologist or other person named in the complaint's response to the allegations;
- iii. A summary of any other allegations discovered in the investigation as well as the psychologist or other person named in the complaint's response to those allegations, if applicable;<sup>13</sup>
- iv. A summary of the Board investigator's case analysis which shall include:
  1. Specific reference to evidence supporting the allegations that the Board's investigator believes should be pursued in the disciplinary proceeding, copies of that evidence, as applicable; and specific reference to the violations of NRS 641, NAC 641, NAC 629 and/or the American Psychological Association Code of Ethics sections that the investigator has concluded the respondent has violated.
- v. If the complaint is against an applicant for a license, the Board's ability to sanction the person may be limited. However, the Board investigator may recommend that this complaint be considered when evaluating the person's application, pursuant to NRS 641.170. The Board investigator may recommend that licensure be denied to the applicant or granted under specified conditions. In that situation, the person must be noticed to appear at a meeting as required by the Open Meeting Law wherein the Board investigator's recommendation will be presented to the Board and allowing the person to present his/her/their own information to the Board regarding his/her/their application.
- vi. In his/her/their, the Board investigator may recommend that the psychologist be required to provide fingerprints to the Board office at the initiation of disciplinary proceedings as authorized by NRS 622.360.
- q. The Board investigator's report must be included in the Board office file regarding the complaint.
- r. The Board investigator, in consultation with the Board's attorney, shall also include in his/her/their report recommendations regarding the

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<sup>13</sup> The psychologist or other person named in the complaint will be notified of these allegations before the matter proceeds to discipline pursuant to NRS 233B.127(3) and given an opportunity to respond.

category of the violation, the seriousness of the violation, recommended sanctions regarding the violation, and any other information that he/she/they believes is relevant.

- s. If the Board investigator believes that the complaint should be dismissed, the Board investigator shall provide a summary of his/her/their investigation and the reasons supporting his/her/their recommendation that the complaint be dismissed by the Board at its next meeting. The Board may vote at that meeting to dismiss the complaint as recommended.
- t. If the Board investigator, in consultation with the Board's attorney, believes that the matter should proceed to discipline (whether a hearing, settlement agreement, or other proceeding), the Board investigator's report to the Board will include only the type of violation (statute or other category of violation) and the fact that the matter has been sent to the Board's attorney for initiation of disciplinary action. If there is a question or another opinion is necessary, another Board investigator may be asked to review the complaint, response, documents received, and recommendations from the assigned Board investigator. If necessary due to extraordinary circumstances, a member of the Board may be designated as an "investigating Board member" pursuant to NRS 233B.122 and provide this additional review.<sup>14</sup>
- u. Once a matter is assigned to the Board's attorney, the Board's attorney shall send a letter to the psychologist or person named in the complaint by regular and certified mail providing him/her/them with a summary of the allegations substantiated in the complaint and providing him/her/them with an additional opportunity to respond to the allegations prior to the initiation of disciplinary proceedings<sup>15</sup> against him/her/them.<sup>16</sup> See Sample Letter attached as Appendix D. This response will be reviewed by the Board's attorney and the Board investigator. This response may lead to additional investigation, revision of the Board investigator's report, or other action prior to the initiation of disciplinary proceedings. If this response leads to the recommendation that the matter be dismissed, the

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<sup>14</sup> In this situation, the "investigating Board member" must recuse from any decision regarding this complaint.

<sup>15</sup> The initiation of disciplinary proceedings is the sending of a complaint and notice of hearing to the respondent by the Board's attorney. See NRS 622A.300(1).

<sup>16</sup> NRS 233B.127(3). This is required for cases where there may be a suspension or revocation. Best practice is to do this for all cases. This ensures that the psychologist or other person named in the complaint is informed about any additional allegations discovered in the investigation, but not included in the complaint prior to the initiation of disciplinary action.

Board investigator's report should be updated to include reasons for this decision and the procedure outlined in step 16 should be followed.

- v. While the goal is not to have the Board's attorney investigate a complaint and risk becoming a witness in the matter should it proceed to a hearing before the Board, the Board's attorney is available and should be consulted by the Board investigator, as necessary throughout the investigation of a complaint.
  - w. The Board will follow the requirements of NRS Chapters 233B, 241, 622, 622A, 629, 641, and NAC Chapter 641 in the adjudication of complaints before the Board, including the approval of settlement agreements.
2. Reporting of Disciplinary Activity:

- a. The Board's Executive Director shall submit quarterly reports on or before the 20th day of January, April, July, and October to the Legislative Counsel Bureau as required by NRS 622.100. These reports must be submitted electronically and shall include a summary of each disciplinary action taken by the Board during the immediately preceding calendar quarter against any licensee.
- b. Within 30 days of the Board's disciplinary action, the Board's Executive Director must submit reports regarding disciplinary action to the National Practitioner Databank as required by federal law, and to the Association of State and Provincial Psychology Boards.
- c. The Board's Executive Director shall report any disciplinary action taken against a psychologist or other person that may involve insurance fraud to the Office of the Attorney General's Insurance Fraud Unit. More information about making this report is available at:  
[http://ag.nv.gov/About/Criminal\\_Justice/Insurance\\_Fraud/](http://ag.nv.gov/About/Criminal_Justice/Insurance_Fraud/).
- d. Within 30 days, the Board's Executive Director shall provide copies of all disciplinary actions to the Administrator of the Division of Public and Behavioral Health in the Department of Health and Human Services by sending a true and correct copy of the action by U.S. Mail.
- e. The Board's Executive Director shall post information regarding disciplinary action against a psychologist, psychological assistant, psychological intern, psychological trainee, or other person on the Board's website not later than 30 days after the Board's action. This report shall include the following information:
  - i. Discipline Type: Settlement or Order,
  - ii. A list of the specific statutes or regulations violated,

- iii. A summary of the penalty imposed by the Board, including, as applicable, fine amount, cost reimbursement, continuing education, probation requirements, or other sanctions imposed, and
  - iv. Current status of the person's license or registration, as applicable.
- f. All disciplinary action taken against unlicensed individuals shall be reported to the appropriate law enforcement agency by the Board's Executive Director and/or the Board's attorney within 30 days after the Board's action. See NRS 641.2705.
3. Special Situations:
- a. Summary Suspension: The Board President, acting on behalf of the Board, may issue a summary suspension of a psychologist's license without first holding a hearing, if the President determines that the psychologist's actions could impair public health, safety, or welfare to the point where emergency action is required. Such action by the Board President must be conducted in consultation with the assigned investigator, the Executive Director, and the Board's attorney. A hearing must be held on the underlying allegations within 45 days after the date of the order of summary suspension, unless the Board and the licensee mutually agree in writing to a longer period. After issuing a summary suspension order, the Board President may not participate in deciding the case at the scheduled hearing. See NRS 233B.127(3); NRS 233B.122(1).
  - b. Mental or Physical Examination: The Board may require a person named in a complaint to submit to a mental examination conducted by a panel of three psychologists designated by the board, or a physical examination conducted by a physician designated by the Board. Every psychologist licensed under NRS Chapter 641 is deemed to have given consent to submit to such a mental or physical examination when directed to do so in writing by the Board. The testimony or reports of the examining psychologist or physicians are privileged communications, except as to proceedings conducted pursuant to discipline. The failure of a psychologist to submit to an examination constitutes grounds for immediate suspension of the psychologist's license. See NRS 641.272.
    - i. The language of the statute is broad and allows this examination to be conducted for any complaint received against a psychologist, prior to the initiation of disciplinary proceedings.
    - ii. However, due process and fairness still applies and the Board's power to order this examination as part of its investigation should not be abused.

- iii. In addition, the cost for this examination is borne by the Board. The Board may later receive reimbursement for the costs of this examination from the psychologist if the psychologist is found to have engaged in conduct that violates Nevada law or enters into a settlement agreement agreeing to reimburse the Board for this cost. See NRS 622.400.

#### 4. Communication During the Investigative Process:

- a. The Board must maintain the confidentiality of the complaint and all documents and information compiled during the investigation of the complaint during the investigative process. See NRS 641.090. The existence (or not) of a complaint cannot be acknowledged by the Board until the investigation is concluded and a complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent by the Board's attorney or a settlement agreement is negotiated and agendaized for consideration by the Board at meeting, subject to the following exceptions:
  - i. The Board may communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency. See NRS 641.090(6).
  - ii. The person named in a complaint may submit a written statement to the Board requesting that such documents and information be made public records. See NRS 641.090(4).
  - iii. Discovery regarding the complaint, i.e., the exhibits the Board's attorney intends to introduce at the hearing and a list of witnesses that the Board's attorney intends to call, must be provided to the Respondent upon request after the complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent. See NRS 622A.330.
    1. Note: Exhibits introduced at the hearing for review by the Board that contain protected health information do not become public documents that are subject to disclosure pursuant to NRS 622.310.
- b. Substantive communication between the Respondent and the Board office or investigator during the investigative process must occur in writing. However, this does not preclude the Board's investigator from conducting oral interviews and submitting questions to the Respondent.

- c. Communication from the Respondent may be sent to the Board office by electronic mail, facsimile, U.S. mail, or other mail carrier.
  - d. Copies of all communication regarding the complaint must be maintained in the Board's file related to the complaint.
5. Fines, Costs, and Collections:
- a. All Board orders and settlement agreements will include a final due date for payment of all fines and costs assessed by the Board.
  - b. All fines assessed by the Board and received by the Board must be submitted to the State Treasurer for deposit with the General Fund.
  - c. All cost reimbursements assessed by the Board pursuant to NRS 622.400 and received by the Board must be deposited into the Board's bank account established pursuant to NRS 641.111.
  - d. For all fines and costs assessed and not received by the Board pursuant to the terms of the Board's order and/or the approved settlement agreement, the Board will utilize the State Controller as its agent to collect fines and costs reimbursements assessed by the Board during disciplinary actions pursuant to NRS 353C.195 and follow the procedures required by the State Controller.
6. Qualifications of Board Investigators:
- a. All Board investigators shall:
    - i. Be licensed in the State of Nevada as a psychologist for at least five years,
    - ii. Be in good standing as a psychologist in the State of Nevada, as well as any other states or jurisdictions where he/she/they is licensed, and
    - iii. Be willing to complete the Council on Licensure, Enforcement, and Regulation (CLEAR) training in complaint investigation.
  - b. Experience in conducting investigations is preferred, but not required.
7. Records
- a. Complaints filed with the Board office must be kept by the Board office for ten (10) years, even if they are not acted on or investigated.<sup>17</sup>

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<sup>17</sup> NRS 641.250(2).

- b. Complaint File. The complaint file shall be maintained in the Board office and should include, at a minimum, the following:
  - i. The complaint, responses and associated documentation provided by the Complainant. This may include letters and/or emails, including documents from the complainant's attorney, if applicable.
  - ii. The response and associated documentation provided by the Respondent. This may include letters and/or emails, including documents from the respondent's attorney, if applicable.
  - iii. Documents provided by the investigator(s) including the final investigator's report.
  - iv. Documents provided by the Board's attorney including, where applicable, orders, notices, subpoenas and other legal documents.
  - v. Board meeting minutes where the complaint was discussed and/or action taken.
  - vi. Board meeting minutes where a disciplinary hearing was conducted and/or action taken.

### **Categories of Violations for Psychologists**

- 1. Criminal Convictions:
  - a. Felony relating to the practice of psychology. NRS 641.230(1)(a).
  - b. Any crime or offense that reflects the inability of the person to practice psychology with due regard for the health and safety of others. NRS 641.230(1)(b).
  - c. Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, or 616D.300 to 616D.440 (Relating to workers' compensation insurance and/or benefits).
  - d. Medicare or Medicaid fraud. NRS 641.230(1)(m).
  - e. Insurance fraud. NRS 641.230(1)(n).
- 2. Practice below the Standard of Care
  - a. Engaged in gross malpractice. NRS 641.230(1)(d).
    - i. Gross malpractice is defined in NRS 641.023. It includes the practice of psychology under the influence of an alcoholic beverage



or any controlled substance, gross negligence, willful disregard of established method and procedures in the practice of psychology, or willful and consistent use of methods and procedures considered by psychologists in the community to be inappropriate or unnecessary in the cases where used.

- b. Engaged in repeated malpractice. NRS 641.230(1)(d).
  - i. Malpractice is defined in NRS 641.024. It means the “failure on the part of a psychologist to exercise the degree of care, diligence and skill ordinarily exercised by psychologists in good standing in the community.”
- c. Engaged in gross negligence in the practice of psychology. NRS 641.230(1)(d).
  - i. Gross negligence means “[a] lack of slight diligence or care” or “[a] conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party.” Black’s Law Dictionary 1057 (7th ed. 1999).
- d. Lack of/inadequate knowledge or training in area of practice. NAC 641.208(1).
- e. Failure to maintain competence and/or limit practice to areas of competence. NRS 641.112; NAC 641.208(4); APA Rule 2.01; 2.03.
- f. Unprofessional Conduct. (Violation of Regulation Adopted by the Board). NRS 641.230(1)(g).
  - i. Standards of Conduct. NAC 641.200–NAC 641.250.
  - ii. Failure to display license in a conspicuous place. NAC 641.213(1)(a).
  - iii. Other violations included also may fall under this category, if they involve a violation of a Board regulation.
- g. Interruption of psychological services without transition for clients. NAC 641.215(5)–(9); APA Rule 3.12.
- h. Supervision.
  - i. Failure to properly supervise psychological interns, psychological assistants, or unlicensed personnel. NAC 641.158; NAC 641.161(2); NAC 641.168.

- ii. Failure to follow requirements for supervision as outlined by the Board. NAC 641.151–NAC 641.161.

3. Dishonesty

- a. Made fraudulent or untrue statements to the Board. May also include filing a knowingly frivolous or knowingly false complaint with the Board. NRS 641.230(1)(f). See also NAC 641.245(3).
  - b. Made fraudulent or untrue statements to others, including making or filing false reports. NAC 641.245; APA Rule 5.01.
  - c. Engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession. NAC 641.208(2).
  - d. Misrepresentation of professional qualifications. NAC 641.239.
  - e. Failure to complete required CEU's. NRS 641.220; NAC 641.132.
  - f. Fraudulent billing or misleading information regarding billing from party responsible for payment. NAC 641.213(1)(d); NAC 641.245(2)(c).
  - g. False advertising. APA Rule 5.01.
  - h. Failure to correct error in fraudulent or untrue statement made by others. NAC 641.239(2); APA Rule 5.02.
4. Disciplinary Action in another State.
- a. Underlying action is also grounds for disciplinary action in Nevada. NRS 641.230(1)(h).
  - b. Failed to report to the Board within 30 days disciplinary action from another state. NRS 641.230(1)(i).
5. Violation (direct or indirect) or attempted violation of a provision of NRS Chapter 641. NRS 641.230(1)(j).
- a. Assisted in or abetted a violation of or conspired to violate a provision of NRS Chapter 641. NAC 641.241.
  - b. Failure of non-resident consultant to register with the Board pursuant to NAC 641.169.
6. Practice or Attempted Practice While Impaired. NRS 641.230(1)(k).
- a. Performed or attempted to perform any professional service while impaired by alcohol, drugs, or mental or physical illness, disorder or disease. NAC 641.229.

## 7. Inappropriate Relationships

- a. Sexual activity with a patient or client. NRS 641.230(1)(l); NAC 641.229(3).
- b. Dual relationship. NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06.
- c. Coercive or exploitative relationship. NAC 641.215(12); NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06; APA Rule 3.08.
- d. Discrimination. NAC 641.215(10); APA Rule 3.01.
- e. Sexual harassment. NAC 641.215(11); APA Rule 3.02.
- f. Physical harassment. APA Rule 3.02; APA Rule 3.03; APA Rule 3.04.
- g. Other harassment. NAC 641.215(11); APA Rule 3.03.
- h. Soliciting business or referrals from patients. NAC 641.215(12); APA Rule 5.06.
- i. Accepting or paying fees to third parties for referrals of clients. NAC 641.213(1)(e).

## 8. Business Practices

- a. Records APA Rules 6.01–6.07.
  - i. Failure to release records as required by law. NAC 641.219; NRS 629.061.
  - ii. Inadequate record-keeping. NAC 641.219(1).
  - iii. Breach of confidentiality of records. NAC 641.219; NAC 641.224.
  - iv. Informed consent. NAC 641.207(1)(i); NAC 641.215(2) and (4); NAC 641.224; NAC 641.241; APA Rule 3.10.
- b. Breach of confidentiality. NAC 641.224; APA Rule 4.01–4.07.
- c. Operating a medical facility when the license of the facility was suspended or revoked or when an act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160. NRS 641.230(1)(o).
- d. Practice under name that is not on license. NRS 641.225(1).
- e. Fee splitting. NAC 641.210(4).

## 9. Communications with the Board.

- a. Failure to respond to a communication from the Board within 30 days. NAC 641.213(1)(b).
- b. Failure to update address or telephone number with the Board within 30 days of the change. NAC 641.213(1)(c).

10. Practice with Expired or Inactive License.

- a. Active license required to practice psychology. NRS 641.390(1).
- b. If license is inactive, may not practice psychology. NAC 641.133(2).

**Categories of Violations – Unlicensed Activity**

1. Representing self as psychologist NRS 641.390; NRS 641.440.
  - a. Holding out or representing self as a psychologist.
  - b. Using title that incorporates “psychology” or “psychologist.”
2. Engaging in the practice of psychology as defined in NRS 641.025 without a license. NRS 641.390; NRS 641.440.
3. School psychologist outside the school setting. NRS 641.390(5).
  - a. Provisions governing school psychologist contained in NAC 391.315–NAC 391.319.
4. Failure of non-resident consultant to register with the Board pursuant to NAC 641.169.

**Disciplinary Options for Psychologists**

1. NRS 641.240 lists the authorized disciplinary sanctions available to the Board, if it finds a psychologist to have committed an act which constitutes grounds for disciplinary action<sup>18</sup>:
  - a. Public reprimand,
  - b. Limit the psychologist’s practice,
  - c. Suspend the person’s license for a period of not more than one year,
  - d. Revoke the person’s license [NRS 622A.410 requires that the Board’s order specify the time period during which the psychologist may not apply for reinstatement of the license. The period must be at least one year and not more than ten years],

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<sup>18</sup> Grounds for disciplinary action are contained in NRS 641.230.

- e. Impose a fine of not more than \$5,000,
  - f. Suspend the enforcement of any penalty by placing the psychologist on probation. The Board may revoke the probation if the psychologist does not follow any conditions imposed,
  - g. Supervision [psychologist to pay costs incurred],
  - h. Counseling or treatment by a person approved by the Board [psychologist to pay costs incurred],
  - i. Probation with conditions imposed for the protection of the public or the rehabilitation of the psychologist [conditions may include requiring additional continuing education units in specified area[s], additional training, successful completion of a skills or ethics examination such as the Ethics and Boundaries Assessment, a psychological evaluation, or participation in a substance dependence treatment program], and
  - j. Require payment of costs for remediation or restitution.
2. If the Board finds that a psychologist has violated any provision of NRS Chapter 641 or NAC Chapter 641 or an act that constitutes grounds for disciplinary action pursuant to NRS 641.230 or accepts a settlement agreement within which the psychologist admits to such conduct or does not contest the allegations, the Board may:
- a. Assess the Board's reasonable attorney's fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
  - b. Costs allowed are defined in NRS 622.400(2).
  - c. Additional Options and Considerations:
    - i. To the greatest extent possible, all disciplinary action ordered by the Board or contained in a settlement agreement will be meaningfully tied to the violations substantiated in the Board's investigation in order to allow the person an opportunity for remediation of these violations. An example of considerations the Board will take into account when determining remediation plans is discussed in this article: Vacha-Haase, T., Elman, N. S., Forrest, L., Kallaugher, J., Lease, S. H., Veilleux, J. C., & Kaslow, N. J. (2018, November 29). Remediation Plans for Trainees With Problems of Professional Competence. Training and Education in Professional Psychology. Advance online publication. <http://dx.doi.org/10.1037/tep0000221>.

- ii. If the Board initiates disciplinary proceedings against a licensee, the Board requires all licensees to submit a complete set of his/her/their fingerprints to the Board and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. NRS 622.360(1). Failure to comply is ground for additional disciplinary action against the license. NRS 622.360(2). A conviction for an unlawful act that is grounds for disciplinary action against the licensee that has not been disclosed to the Board or that the Board has not already disciplined the licensee for is an additional ground for disciplinary action against the licensee. NRS 622.360(3). Notice that the licensee must provide fingerprints pursuant to NRS 622.360 will be included in the Complaint and Notice of Hearing. In addition, all settlement agreements regarding licensees, the Board will require that the licensee provide fingerprints pursuant to NRS 622.360 as part of the settlement.
- iii. The Board may order any psychologist named in a complaint<sup>19</sup> to submit to a mental examination conducted by a panel of three psychologists designated by the Board or a physical examination conducted by a physician designated by the Board. NRS 641.272(1). Failure to comply with this request is grounds for immediate suspension of the psychologist's license unless there are extraordinary circumstances, as determined by the Board. NRS 641.272(2).
- iv. Settlement agreements may contain requirements agreed to by the parties and approved by the Board that differ from those specified in NRS 641.240 or other statutory provision. o A psychologist may agree to surrender his/her/their license in lieu of other disciplinary action by a settlement agreement. This constitutes discipline pursuant to NRS 233B.121(6) and will be reported as discipline pursuant to this policy.
- v. The Board may not administer a private reprimand. NRS 641.240(2).
- vi. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. NRS 641.240(3).

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<sup>19</sup> Disciplinary proceedings do not have to first be initiated.

- vii. A settlement agreement in a disciplinary case must be approved by the Board in a public meeting and the settlement agreement is a public record. NRS 622.330.

### **Unlicensed Activity Sanctions**

1. Order to Cease and Desist from engaging in activity prohibited by NRS 641.390. NRS 641.2705(2)(a).
2. Citation which must be in writing and describe with particularity the nature of the violation. NRS 641.2705(2)(b) and (3). a. Citation may be appealed to the Board within 30 days after the date of the citation. NRS 641.2705(5).
3. For any violation of NRS 641.390, the Board *shall* assess an administrative fine of:
  - a. \$500 (first violation),
  - b. \$1,000 (second violation), and
  - c. \$1,500 (third or subsequent violation).
4. If the Board finds that a person has violated any provision of NRS Chapter 641 or NAC Chapter 641 or the person admits to such conduct or does not contest the allegations, the Board may:
  - a. Assess the Board's reasonable attorney's fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
  - b. Costs allowed are defined in NRS 622.400(2).
5. If a person continues to engage in unlicensed activity, the Board may file an action in civil court requesting that the court enter an injunction against the person, enjoining him/her/them from engaging in the unlicensed practice of psychology. See NRS 641.316.

### **Aggravating and Mitigating Factors**

1. The following factors may mitigate or aggravate the sanctions that may be imposed in the disciplinary process.
  - a. Factors related to conduct:
    - i. Gravity of the unprofessional conduct
    - ii. Age, capacity and/or vulnerability of the patient, client, or victim;
    - iii. Number or frequency of the acts of unprofessional conduct;

- iv. Injury caused by the unprofessional conduct;
  - v. Potential for injury to be caused by the unprofessional conduct;
  - vi. Degree of responsibility for the outcome;
  - vii. Abuse of trust;
  - viii. Intentional or inadvertent act;
  - ix. Motivation is criminal, immoral, dishonest, or for personal gain;
  - x. Length of time since the unprofessional conduct occurred.
- b. Factors related to the psychologist:
- i. Experience in practice;
  - ii. Past disciplinary record;
  - iii. Mental and/or physical health;
  - iv. Personal circumstances;
  - v. Personal problems having a nexus with the unprofessional conduct;
  - vi. Voluntary restitution or other remedial action;
  - vii. Admission of key facts.
- c. General factors
- d. License holder's knowledge, intent, and degree of responsibility;
  - e. Presence or pattern of other violations;
  - f. Present moral fitness of the license holder;
  - g. Potential for successful rehabilitation;
  - h. Present competence to practice;
  - i. Dishonest or selfish motives;
  - j. Isolated incident unlikely to reoccur.



Addendum to Complaint Policy regarding Court Ordered Evaluations.

A person filing a complaint arising out of or related to a court ordered evaluation must submit the following in addition to completing the Complaint Form:

- 1) Final order or judgment in the case
- 2) A copy of the court order appointing the licensee in the case.

A complaint subject to this rule shall be dismissed unless the complainant can show the following:

- 1) The licensee was disqualified as an expert witness by the Court.
- 2) The licensee's opinion or inferences complained of were ruled inadmissible by the Court.
- 3) A curriculum vitae and written report by an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of the American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes or Nevada Administrative Code in the licensee's report.

A complaint subject to this rule must be filed within one year of the entering of the final order or judgment concerning the licensee's evaluation in the case.

### Addendum to Complaint Policy regarding Court Ordered Psychological Services

A person who files a complaint alleging a statutory or ethical violation arising out of or related to court ordered psychological services, including, but not limited to, psychotherapy, reunification therapy, parent coordination, and parent coaching, must, in addition to completing the complaint form, comply with the following requirements:

- 1) A complaint may not be filed while the licensee is under court appointment to provide the particular psychological service unless the person has applied to terminate services with the court.
- 2) Submit the curriculum vitae and written report of an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes/Nevada Administrative Code in the licensee's psychological services.
- 3) The complaint must be filed within one year of termination of services.

**PROPOSED REVISIONS**



**NEVADA STATE  
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Complaint and Disciplinary Policy**

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## **Purpose**

The Nevada Legislature created the Nevada State Board of Psychological Examiners (Board) to regulate the practice of psychology because it is a learned profession, affecting public safety, health, and welfare, and subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.<sup>1</sup> The Board is charged with enforcing Nevada Revised Statutes (NRS) Chapter 641 and Nevada Administrative Code (NAC) Chapter 641 for the protection and benefit of the public.<sup>2</sup>

The Nevada Legislature further established minimum procedural requirements for the adjudication of contested cases pending before the Board to ensure that the due process rights of psychologists and other persons are protected and to establish uniformity in procedure across regulatory bodies.<sup>3</sup>

It is the intent of the Board, through this policy, to carry out the mission the Nevada legislature delegated to it.

## **Definitions**

1. "Complainant" refers to the person making the complaint.
2. "Respondent" refers to the subject of a complaint.
3. "Investigator" refers to the investigator employed by the Nevada Board of Psychological Examiners.
4. "Executive Director" refers to the administrative staff employed by the Nevada Board of Psychological Examiners.
5. "Board" refers to the Nevada Board of Psychological Examiners.
6. "Psychologist" refers to a person who is licensed by the Board to practice psychology.
7. "NRS" refers to Nevada Revised Statutes.
8. "NAC" refers to Nevada Administrative Code.

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<sup>1</sup> NRS 641.010

<sup>2</sup> NRS 622.080

<sup>3</sup> NRS 233B.020; NRS 622A.130

## **Procedure**

### ***A. Complaint and Investigative Procedure:***

#### **1. Filing a Complaint.**

- a. Any person may file a written complaint with the Board office regarding the practice of psychology in this State.<sup>4</sup> The complaint may be against a psychologist, an unlicensed person, or an applicant for licensure or registration.
  - i. Anonymous complaints will be accepted by the Board. Depending on the information provided by the Complainant, however, it may be difficult to fully investigate an anonymous complaint and/or an anonymous complaint may be more likely to be deemed frivolous.
  - ii. If the Board office receives a complaint against a person who is not licensed by the Board and/or is not practicing psychology, the Board office shall forward the complaint to the appropriate licensing board, if applicable.<sup>5</sup>
  - iii. Complaints that involve Court Ordered Evaluations or Court Ordered Psychological Services are subject to the additional requirements stated in Appendices A and B, respectively.
- b. If applicable, the complaint shall be accompanied by a release of records signed by the Complainant.
  - i. If the Complainant is legally authorized to sign a release of records and fails to sign a release of records, unless in the view of the assigned Board Investigator extraordinary cause exists, the complaint will be deemed invalid and the complaint will be dismissed without investigation or action.
  - ii. If the Complainant is not legally authorized to sign a release of records for the Complainant and/or the client, the Board may subpoena those

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<sup>4</sup> NRS 641.250(1). The filing of a frivolous complaint by a psychologist may be grounds for disciplinary action. NRS 641.230(1)(d); NAC 641.208(3) (A psychologist shall "not engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession.").

<sup>5</sup> NRS 629.079. The Board still may investigate unlicensed activity and/or take action regarding the unlicensed practice of psychology.

records necessary to investigate the complaint pursuant to NRS 641.245.<sup>6</sup>

2. Investigation Process.

- a. The Executive Director shall maintain oversight of the complaints process, and generally serve as liaison between the Complainant, Respondent, Board Investigators and the Board's attorney, unless otherwise described within this policy.
- b. Upon receipt of a complaint, the Executive Director shall:
  - i. Assign a case number to the complaint.
  - ii. Forward the complaint to a Board Investigator to review the complaint and to determine if it raises serious concerns regarding the immediate health, safety, and welfare of the public such that emergency action is required. If a complaint raises such concerns, refer to the "Special Situations" section of this policy.
  - iii. If the complaint names a Psychologist as a Respondent, advise that Psychologist of the complaint and that the Board office or a Board Investigator will inform that Psychologist if anything further will be required of the Psychologist or if the matter is dismissed.
- c. If the Board investigator reviews a complaint and determines it is invalid or frivolous, the Board Investigator will draft a report regarding that review and determination. The Board's attorney will then review the Board Investigator's report and the complaint. If the Board's attorney concurs with the Board Investigator's determination, the Board Investigator will recommend that the Board dismiss the complaint at its next meeting. If the Board takes action to dismiss the complaint based upon the Board Investigator's recommendation, the Executive Director will send written communication to both the Complainant and the Respondent to advise that the Board dismissed the complaint.

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<sup>6</sup> A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

- d. If, after reviewing the complaint, the Board Investigator determines that the complaint is not invalid and/or frivolous<sup>7</sup>, and unless the Board Investigator believes extraordinary cause exists<sup>8</sup>, the Board Investigator shall direct the Executive Director to send a letter to the named Respondent with a copy of the complaint and, if applicable, the release of records and any other documents or information submitted with the complaint. If the Respondent is a Psychologist, the letter and the complaint shall be sent to the Psychologist's last known address on file with the Board. If the Respondent is not a Psychologist, the letter and complaint shall be sent to the address that can best be determined. The named Respondent must respond to the Board's letter and the complaint within thirty (30) days<sup>9</sup>, unless the Respondent is given additional time upon the Respondent's written request to the Board office.
- i. If the Respondent does not respond to the Board's letter and complaint within thirty (30) days or within any additional time the Respondent is granted, the Board's attorney will send, or direct the Executive Director to send, another letter to the named Respondent by regular and certified mail informing the Respondent of the duty to respond to the complaint pursuant to NAC 641.210(2) and that the failure to do so may result in disciplinary action. The Board's attorney's letter will provide the Respondent with at least twenty (20) additional days to respond to the complaint. If the Respondent is a Psychologist, the Board attorney's letter shall be sent to the Psychologist's last known address on file with the Board. If the Respondent is not a Psychologist, the Board attorney's letter shall be sent to the address that can best be determined.
- ii. If the Respondent does not provide a response to the Board's letter and complaint, the Board office will file a complaint against the Respondent for the Respondent's failure to respond. Notice of the Board's complaint will be sent to the Respondent and the matter will be assigned to a Board Investigator for investigation.
- iii. If the Respondent is a Psychologist, the Psychologist's failure to update the address that Psychologist has on file with the Board will only be a defense to the Psychologist's failure to respond to the Board's letter and

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<sup>7</sup> NRS 641.270.

<sup>8</sup> An example of extraordinary cause may be a situation where the Complainant could be in danger if the psychologist or other person is notified of the complaint at this stage in the investigation.

<sup>9</sup> NAC 641.210(2). Failure to respond to the Board office within thirty (30) days may be ground for disciplinary action against the psychologist.



the Board's attorney's letter if the address change was for less than thirty (30) days.<sup>10</sup>

- e. If the Respondent retains an attorney during the investigative process, all future communications between the Board office or the Board Investigator and the Respondent will be between the Board's attorney and the Respondent's attorney. Requests for extensions of time to respond, requests for more information, responses to requests for information, or other communications made during the investigation will be made attorney to attorney and not from Board staff to the Respondent unless the Board's attorney directs the executive director to communicate with the Respondent and/or the Respondent's attorney.
- f. When the Respondent submits a response to the complaint, the Board office will forward the complaint, the response, and any relevant records or other information provided by either the Complainant or the Respondent to a Board Investigator for review and investigation. The purpose of that review and investigation will be to determine if there is any violation of NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629.
- g. At the Board Investigator's discretion and as part of the investigation, the Board Investigator may interview the parties, including the Complainant and the Respondent, as well as any possible witnesses. These interviews may be conducted by phone or other means that the Board Investigator deems appropriate. If any party is represented by an attorney, the Board Investigator will confer with the Board's attorney to determine how to proceed to ensure the protection of that party's rights.
- h. If the Board Investigator believes that more information is necessary to adequately investigate the complaint, the Board Investigator may send, or request that the Executive Director send, a letter to the Complainant or the Respondent requesting such information and requiring that such information be provided within thirty (30) days. The Board Investigator's letter shall be mailed to the Complainant or the Respondent by regular and certified mail. If available, the Board Investigator or the Executive Director may communicate with either party by e-mail.
- i. If the Board Investigator believes that more information is necessary to adequately investigate the complaint and a written letter or interview will not

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<sup>10</sup> See NAC 641.210(3).

- allow the Board Investigator to obtain that information<sup>11</sup>, the Board Investigator may request that a subpoena for that information be issued pursuant to NRS 641.245.<sup>12</sup>
- j. In investigating some complaints, the Board’s Investigator may determine that it is necessary to ask a Psychologist named in a complaint to complete a mental or physical examination pursuant to NRS 641.272. For more information, please review the “Special Situations” section of this policy.
  - k. After gathering all necessary evidence and information, the Board Investigator shall determine whether the Respondent has violated NRS Chapter 641, NAC Chapter 641, the American Psychological Association Code of Ethics, or NRS Chapter 629. In order to protect the public, the Board Investigator’s determination is not limited to the allegations alleged by the Complainant in the complaint. That determination may also include and address in the Board Investigator’s report any violations that the Board Investigator discovers during the investigation.
  - l. The Board Investigator shall draft a written report with the Board Investigator’s determination regarding the alleged violations as well as any additional violations discovered during the investigation.
    - i. The report must include the following:
      1. A summary of the allegations against the Respondent ;
      2. A summary of the Respondent’s response to the allegations;
      3. A summary of any other allegations discovered in the investigation and the Respondent’s to those allegations, if applicable;<sup>13</sup>
      4. A summary of the Board Investigator’s case analysis, which shall include specific reference to:

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<sup>11</sup> For example, depending on the allegations in the complaint, the Board Investigator may want to review a pharmacy utilization report for the person named in the complaint. If this is necessary, the Board Investigator should contact the Board’s Executive Director and the Board’s attorney so that an appropriate request may be made to the State of Nevada, Board of Pharmacy.

<sup>12</sup> A Board member must review and sign subpoenas prior to their issuance pursuant to NRS 641.245. The Board President will review and sign subpoenas issued pursuant to this provision unless the Board President has a conflict or is unavailable. In that situation, the Board Secretary-Treasurer will review and sign the subpoena. If both the Board President and the Board Secretary Treasurer have a conflict or are otherwise unavailable, any remaining member of the Board may review and sign the subpoena.

<sup>13</sup> The psychologist or other person named in the complaint will be notified of and given an opportunity to respond these allegations before the matter proceeds to discipline pursuant to NRS 233B.127(3).

- a. evidence supporting the allegations that the Board's Investigator believes should be pursued in a disciplinary proceeding and copies of that evidence, as applicable; and
  - b. the violations of NRS 641, NAC 641, NAC 629 and/or the American Psychological Association Code of Ethics sections that the investigator has concluded the Respondent has violated.
- ii. In the report, the Board Investigator:
- 1. May recommend that the Psychologist be required to provide fingerprints to the Board office at the initiation of disciplinary proceedings as authorized by NRS 622.360;
  - 2. Shall, in consultation with the Board's attorney, include recommendations regarding the category of the violation, the seriousness of the violation, recommended sanctions regarding the violation, and any other relevant information.
- iii. The Board Investigator's report must be included in the Board office complaint file.
- m. If the Board Investigator believes that the Board should dismiss the complaint, the Board Investigator shall provide a summary of the investigation and the reasons supporting the recommendation that the Board dismiss the complaint at the Board's next meeting. The Board may vote at that meeting to dismiss the complaint as recommended.
- n. If the Board Investigator, in consultation with the Board's attorney, believes that the matter should proceed to disciplinary action (whether a hearing, settlement agreement, or other proceeding), the Board Investigator's report to the Board will include only the type of violation (statute or other category of violation) and state that the matter has been sent to the Board's attorney for the initiation of disciplinary action. If there is a question or another opinion is necessary, another Board Investigator may be asked to review the complaint, response, documents received, and recommendations from the assigned Board Investigator. If necessary due to extraordinary circumstances, a member of the Board may be designated as an "investigating Board member" pursuant to NRS 233B.122 and provide this additional review.<sup>14</sup>

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<sup>14</sup> In this situation, the "investigating Board member" must recuse from any decision regarding this complaint.

- o. Once a matter is assigned to the Board's attorney, the Board's attorney shall send a letter to the Respondent by regular and certified mail that provides the Respondent with: (1) a summary of the allegations substantiated in the complaint; and (2) an additional opportunity to respond to the allegations prior to the initiation of disciplinary proceedings.<sup>15, 16</sup> The Board's attorney and the Board Investigator will review any response by the Respondent. A response from the Respondent may lead to additional investigation, revision of the Board Investigator's report, or other action prior to the initiation of disciplinary proceedings. If the response leads to the recommendation that the matter be dismissed, the Board Investigator shall update the report to include reasons for this decision and follow the procedure outlined above for recommending dismissal.
- p. If the complaint is against an applicant for a license, the Board's ability to sanction the person may be limited. However, the Board Investigator may recommend that the complaint be considered when evaluating the person's application, pursuant to NRS 641.170. The Board Investigator may recommend that licensure be denied to the applicant or granted under specified conditions. In that situation, and as required by the Open Meeting Law, the applicant must be: (1) provided notice to appear at a Board meeting in which the Board Investigator's recommendation will be presented to the Board; and (2) and allowed to present information to the Board regarding the application.
- q. Although the intent is not to have the Board's attorney investigate a complaint and risk becoming a witness in the matter should it proceed to a hearing before the Board, the Board's attorney is available and should be consulted by the Board Investigator as necessary throughout the investigation of a complaint.
- r. The Board shall follow the requirements of NRS Chapters 233B, 241, 622, 622A, 629, 641, and NAC Chapter 641 in adjudicating complaints before the Board, including the approval of settlement agreements.

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<sup>15</sup> The initiation of disciplinary proceedings is the sending of a complaint and notice of hearing to the Respondent by the Board's attorney. *See* NRS 622A.300(1).

<sup>16</sup> NRS 233B.127(3). This is required for cases where there may be a suspension or revocation. Best practice is to do this for all cases. This ensures that the psychologist or other person named in the complaint is informed about any additional allegations discovered in the investigation, but not included in the complaint prior to the initiation of disciplinary action.

***B. Disciplinary Activity Reporting:***

1. The Board's Executive Director shall submit quarterly reports on or before the 20th day of January, April, July, and October to the Legislative Counsel Bureau as required by NRS 622.100. These reports must be submitted electronically and shall include a summary of each disciplinary action the Board took against any licensee during the immediate preceding calendar quarter.
2. Within 30 days of the Board's disciplinary action, the Board's Executive Director shall:
  - a. submit reports regarding disciplinary action to the National Practitioner Databank as required by federal law, and to the Association of State and Provincial Psychology Boards.
  - b. provide, via U.S. Mail, true and correct copies of all disciplinary actions to the Administrator of the Division of Public and Behavioral Health in the Department of Health and Human Services.
  - c. post information regarding disciplinary action against a psychologist, psychological assistant, psychological intern, psychological trainee, or other person on the Board's website, and shall include the following information:
    - i. Discipline Type: Settlement or Order,
    - ii. A list of the specific statutes or regulations violated,
    - iii. A summary of the penalty imposed by the Board, including, as applicable, fine amount, cost reimbursement, continuing education, probation requirements, or other sanctions imposed, and
    - iv. Current status of the person's license or registration, as applicable.
  - d. Report to the appropriate law enforcement agency all disciplinary action taken against unlicensed individuals. See NRS 641.2705.
3. The Board's Executive Director shall report any disciplinary action taken against a psychologist or other person that may involve insurance fraud to the Office of the Attorney General's Insurance Fraud Unit. More information about making this report is available at:  
[http://ag.nv.gov/About/Criminal\\_Justice/Insurance\\_Fraud/](http://ag.nv.gov/About/Criminal_Justice/Insurance_Fraud/).

***C. Special Situations:***

1. Summary Suspension: The Board President, acting on behalf of the Board, may issue a summary suspension of a Psychologist's license without first holding a hearing if the Board President determines that the Psychologist's actions could impair public health, safety, or welfare to the point that emergency action is required.
  - a. Summary suspension by the Board President must be conducted in consultation with the assigned Board Investigator, the Executive Director, and the Board's attorney.
  - b. The Board must conduct a hearing on the underlying allegations within 45 days after the date of the order of summary suspension, unless the Board and the Psychologist mutually agree in writing to a longer period. After issuing a summary suspension order, the Board President may not participate in deciding the case at the scheduled hearing. See NRS 233B.127(3); NRS 233B.122(1).
2. Mental or Physical Examination: The Board may require a person named in a complaint to submit to a mental examination conducted by a panel of three Psychologists designated by the board, or to a physical examination conducted by a physician designated by the Board.
  - a. Every psychologist licensed under NRS Chapter 641 is deemed to have given consent to submit to such a mental or physical examination when directed to do so in writing by the Board.
  - b. The testimony or reports of the examining Psychologists or Physicians are privileged communications, except as to disciplinary proceedings. The failure of a Psychologist to submit to an examination constitutes grounds for immediate suspension of the psychologist's license. See NRS 641.272.
3. Although the language of the statute permitting the Board to require an examination is broad and allows this examination to be conducted for any complaint received against a psychologist and prior to the initiation of disciplinary proceedings, due process and fairness still apply and the Board's power to order this examination as part of its investigation should not be abused.
4. The Board shall bear the cost for an examination it requires a Psychologist to undergo. The Board may later receive reimbursement for the costs of the examination from the Psychologist if the Psychologist is found to have engaged in conduct that violates Nevada law or enters into a settlement agreement

agreeing to reimburse the Board for this cost. See NRS 622.400.

***D. Communication During the Investigative Process:***

1. The Board must maintain the confidentiality of the complaint and all documents and information compiled during the investigation of the complaint during the investigative process. See NRS 641.090. The Board shall not acknowledge the existence (or not) of a complaint by way of confidential information until the investigation is concluded and a complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent by the Board's attorney or a settlement agreement is negotiated and agendized for consideration by the Board at meeting, subject to the following exceptions:
  - a. The Board may communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency. See NRS 641.090(6).
  - b. The Respondent named in a complaint may submit a written statement to the Board requesting that such documents and information be made public records. See NRS 641.090(4).
  - c. Discovery regarding the complaint, such as the exhibits the Board's attorney intends to introduce at the hearing and a list of witnesses that the Board's attorney intends to call, must be provided to the Respondent upon request after the complaint and notice of hearing has been drafted, filed with the Board, and served upon the Respondent. See NRS 622A.330.

Note: Exhibits introduced at the hearing for review by the Board that contain protected health information do not become public documents that are subject to disclosure pursuant to NRS 622.310.
2. Substantive communication between the Respondent and the Board office or investigator during the investigative process must occur in writing. However, this does not preclude the Board's investigator from conducting oral interviews and submitting questions to the Respondent.
3. Communication from the Respondent may be sent to the Board office by electronic mail, facsimile, U.S. mail, or other mail carrier.
4. Copies of all communication regarding the complaint must be maintained in the Board's file related to the complaint.

***E. Fines, Costs, and Collections:***

1. All Board orders and settlement agreements will include a final due date for payment of all fines and costs assessed by the Board.
2. All fines that the Board assesses and receives must be submitted to the State Treasurer for deposit with the General Fund.
3. All cost reimbursements that the Board assesses pursuant to NRS 622.400 and receives must be deposited into the Board's bank account established pursuant to NRS 641.111.
4. For all fines and costs that the Board assess but does not receive pursuant to the terms of the Board's order and/or the approved settlement agreement, the Board will utilize the State Controller as its agent to collect fines and cost reimbursements that the Board assesses during disciplinary actions pursuant to NRS 353C.195 and follow the procedures required by the State Controller.

***F. Qualifications of Board Investigators:***

1. All Board Investigators shall:
  - a. Be licensed in the State of Nevada as a psychologist for at least five years,
  - b. Be in good standing as a psychologist in the State of Nevada, as well as any other states or jurisdictions where he/she/they is licensed, and
  - c. Complete the Council on Licensure, Enforcement, and Regulation (CLEAR) training in complaint investigation.
2. Experience in conducting investigations is preferred, but not required.

***G. Records:***

1. Complaints filed with the Board office must be kept by the Board office for ten (10) years, even if they are not acted on or investigated.<sup>17</sup>
2. The complaint file shall be maintained in the Board office and should include, at a minimum, the following:
  - a. The complaint, responses and associated documentation provided by the

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<sup>17</sup> NRS 641.250(2).



- Complainant. This may include letters and/or emails, including documents from the Complainant's attorney, if applicable.
- b. The response and associated documentation provided by the Respondent. This may include letters and/or emails, including documents from the Respondent's attorney, if applicable.
  - c. Documents provided by the investigator(s), including the investigator's final report.
  - d. Documents provided by the Board's attorney, including, where applicable, orders, notices, subpoenas and other legal documents.
  - e. Board meeting minutes where the complaint was discussed and/or action taken.
  - f. Board meeting minutes where a disciplinary hearing was conducted and/or action taken.

### **Categories of Violations for Psychologists**

#### ***A. Criminal Convictions:***

- 1. Felony relating to the practice of psychology. NRS 641.230(1)(a).
- 2. Any crime or offense that reflects the inability of the person to practice psychology with due regard for the health and safety of others. NRS 641.230(1)(b).
- 3. Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, or 616D.300 to 616D.440 (Relating to workers' compensation insurance and/or benefits).
- 4. Medicare or Medicaid fraud. NRS 641.230(1)(m).
- 5. Insurance fraud. NRS 641.230(1)(n).

#### ***B. Practice below the Standard of Care***

- 1. Engaged in gross malpractice. NRS 641.230(1)(d).  
Gross malpractice is defined in NRS 641.023. It includes the practice of psychology under the influence of an alcoholic beverage or any controlled

substance, gross negligence, willful disregard of established method and procedures in the practice of psychology, or willful and consistent use of methods and procedures considered by psychologists in the community to be inappropriate or unnecessary in the cases where used.

2. Engaged in repeated malpractice. NRS 641.230(1)(d).  
Malpractice is defined in NRS 641.024. It means the "failure on the part of a psychologist to exercise the degree of care, diligence and skill ordinarily exercised by psychologists in good standing in the community."
3. Engaged in gross negligence in the practice of psychology. NRS 641.230(1)(d).  
Gross negligence means "[a] lack of slight diligence or care" or "[a] conscious, voluntary act or omission in reckless disregard of a legal duty and of the consequences to another party." Black's Law Dictionary 1057 (7th ed. 1999).
4. Lack of/inadequate knowledge or training in area of practice. NAC 641.208(1).
5. Failure to maintain competence and/or limit practice to areas of competence. NRS 641.112; NAC 641.208(4); APA Rule 2.01; 2.03.
6. Unprofessional Conduct. (Violation of Regulation Adopted by the Board). NRS 641.230(1)(g).
  - a. Standards of Conduct. NAC 641.200–NAC 641.250.
  - b. Failure to display license in a conspicuous place. NAC 641.213(1)(a).
  - c. Other violations included also may fall under this category, if they involve a violation of a Board regulation.
7. Interruption of psychological services without transition for clients. NAC 641.215(5)–(9); APA Rule 3.12.
8. Supervision.
  - a. Failure to properly supervise psychological interns, psychological assistants, or unlicensed personnel. NAC 641.158; NAC 641.161(2); NAC 641.168.
  - b. Failure to follow requirements for supervision as outlined by the Board. NAC 641.151–NAC 641.161.

***C. Dishonesty***

1. Made fraudulent or untrue statements to the Board. May also include filing a knowingly frivolous or knowingly false complaint with the Board. NRS 641.230(1)(f). See also NAC 641.245(3).
2. Made fraudulent or untrue statements to others, including making or filing false reports. NAC 641.245; APA Rule 5.01.
3. Engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession. NAC 641.208(2).
4. Misrepresentation of professional qualifications. NAC 641.239.
5. Failure to complete required CEU's. NRS 641.220; NAC 641.132.
6. Fraudulent billing or misleading information regarding billing from party responsible for payment. NAC 641.213(1)(d); NAC 641.245(2)(c).
7. False advertising. APA Rule 5.01.
8. Failure to correct error in fraudulent or untrue statement made by others. NAC 641.239(2); APA Rule 5.02.

***D. Disciplinary Action in another State.***

1. Underlying action is also grounds for disciplinary action in Nevada. NRS 641.230(1)(h).
2. Failed to report to the Board within 30 days disciplinary action from another state. NRS 641.230(1)(i).

***E. Violating NRS Chapter 641.*** NRS 641.230(1)(j).

1. Violation (direct or indirect) or attempted violation of a provision of NRS Chapter 641.
2. Assisted in or abetted a violation of or conspired to violate a provision of NRS Chapter 641. NAC 641.241.
3. Failure of non-resident consultant to register with the Board pursuant to NAC 641.169.

***F. Impairment.*** NRS 641.230(1)(k).

Performed or attempted to perform any professional service while impaired by alcohol, drugs, or mental or physical illness, disorder or disease. NAC 641.229.

***G. Inappropriate Relationships***

1. Sexual activity with a patient or client. NRS 641.230(1)(l); NAC 641.229(3).
2. Dual relationship. NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06.
3. Coercive or exploitative relationship. NAC 641.215(12); NAC 641.229(2) or (3); APA Rule 3.05; APA Rule 3.06; APA Rule 3.08.
4. Discrimination. NAC 641.215(10); APA Rule 3.01.
5. Sexual harassment. NAC 641.215(11); APA Rule 3.02.
6. Physical harassment. APA Rule 3.02; APA Rule 3.03; APA Rule 3.04.
7. Other harassment. NAC 641.215(11); APA Rule 3.03.
8. Soliciting business or referrals from patients. NAC 641.215(12); APA Rule 5.06.
9. Accepting or paying fees to third parties for referrals of clients. NAC 641.213(1)(e).

***H. Business Practices***

1. Records APA Rules 6.01–6.07.
  - a. Failure to release records as required by law. NAC 641.219; NRS 629.061.
  - b. Inadequate record-keeping. NAC 641.219(1).
  - c. Breach of confidentiality of records. NAC 641.219; NAC 641.224.
  - d. Informed consent. NAC 641.207(1)(i); NAC 641.215(2) and (4); NAC 641.224; NAC 641.241; APA Rule 3.10.
2. Breach of confidentiality. NAC 641.224; APA Rule 4.01–4.07.

3. Operating a medical facility when the license of the facility was suspended or revoked or when an act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160. NRS 641.230(1)(o).
4. Practice under name that is not on license. NRS 641.225(1).
5. Fee splitting. NAC 641.210(4).

***I. Communications with the Board.***

1. Failure to respond to a communication from the Board within 30 days. NAC 641.213(1)(b).
2. Failure to update address or telephone number with the Board within 30 days of the change. NAC 641.213(1)(c).

***J. Practice with Expired or Inactive License.***

1. Active license required to practice psychology. NRS 641.390(1).
2. If license is inactive, may not practice psychology. NAC 641.133(2).

**Categories of Violations – Unlicensed Activity**

***A. Misrepresentation.*** Representing oneself as psychologist NRS 641.390; NRS 641.440.

1. Holding out or representing oneself as a psychologist.
2. Using title that incorporates “psychology” or “psychologist.”

***B. Practice without a License.***

Engaging in the practice of psychology as defined in NRS 641.025 without a license. NRS 641.390; NRS 641.440.

***C. School Psychologist Outside the School Setting.*** NRS 641.390(5).

Provisions governing school psychologist contained in NAC 391.315–NAC 391.319.

***D. Failure of Non-Resident Consultant to Register with the Board.*** NAC 641.169.

## **Disciplinary/Remedial Options for Psychologists**

**A. *Authorized Discipline/Remediation.*** NRS 641.240 lists the authorized discipline/remediation available to the Board if it finds a psychologist to have committed an act which constitutes grounds for disciplinary/remediation action<sup>18</sup>:

1. Public reprimand,
2. Limit the psychologist's practice,
3. Suspend the person's license for a period of not more than one year,
4. Revoke the person's license [NRS 622A.410 requires that the Board's order specify the time period during which the psychologist may not apply for reinstatement of the license. The period must be at least one year and not more than ten years],
5. Impose a fine of not more than \$5,000,
6. Suspend the enforcement of any penalty by placing the psychologist on probation. The Board may revoke the probation if the psychologist does not follow any conditions imposed,
7. Supervised practice, as outlined in Appendix C.
8. Counseling or treatment by a person approved by the Board [psychologist to pay costs incurred],
9. Probation with conditions imposed for the protection of the public or the rehabilitation of the psychologist [conditions may include requiring additional continuing education units in specified area[s], additional training, successful completion of a skills or ethics examination such as the Ethics and Boundaries Assessment, a psychological evaluation, or participation in a substance dependence treatment program], and
10. Require payment of costs for remediation or restitution.

**B. *Imposition of Discipline/Remediation.*** If the Board finds that a psychologist has violated any provision of NRS Chapter 641 or NAC Chapter 641 or an act that constitutes grounds for disciplinary/remediation action pursuant to NRS 641.230 or

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<sup>18</sup> Grounds for disciplinary action are contained in NRS 641.230.

accepts a settlement agreement within which the psychologist admits to such conduct or does not contest the allegations, the Board may:

1. Assess the Board's reasonable attorney's fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
2. Costs allowed are defined in NRS 622.400(2).
3. Additional Options and Considerations:
  - a. To the greatest extent possible, all disciplinary/remediation action ordered by the Board or contained in a settlement agreement will be meaningfully tied to the violations substantiated in the Board's investigation in order to allow the person an opportunity for remediation of these violations. An example of considerations the Board will take into account when determining remediation plans is discussed in this article: Vacha-Haase, T., Elman, N. S., Forrest, L., Kallaugher, J., Lease, S. H., Veilleux, J. C., & Kaslow, N. J. (2018, November 29). Remediation Plans for Trainees With Problems of Professional Competence. Training and Education in Professional Psychology. Advance online publication. <http://dx.doi.org/10.1037/tep0000221>.
  - b. If the Board initiates disciplinary proceedings against a licensee, the Board requires all licensees to submit a complete set of his/her/their fingerprints to the Board and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. NRS 622.360(1). Failure to comply is ground for additional disciplinary action against the license. NRS 622.360(2). A conviction for an unlawful act that is grounds for disciplinary action against the licensee that has not been disclosed to the Board or that the Board has not already disciplined the licensee for is an additional ground for disciplinary action against the licensee. NRS 622.360(3). Notice that the licensee must provide fingerprints pursuant to NRS 622.360 will be included in the Complaint and Notice of Hearing. In addition, all settlement agreements regarding licensees, the Board will require that the licensee provide fingerprints pursuant to NRS 622.360 as part of the settlement.
  - c. The Board may order any psychologist named in a complaint<sup>19</sup> to submit to a mental examination conducted by a panel of three psychologists designated by the Board or a physical examination conducted by a physician designated by the Board. NRS 641.272(1). Failure to comply with this request is grounds

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<sup>19</sup> Disciplinary proceedings do not have to first be initiated.

- for immediate suspension of the psychologist's license unless there are extraordinary circumstances, as determined by the Board. NRS 641.272(2).
- d. Settlement agreements may contain requirements agreed to by the parties and approved by the Board that differ from those specified in NRS 641.240 or other statutory provision. A psychologist may agree to surrender his/her/their license in lieu of other disciplinary action by a settlement agreement. This constitutes discipline pursuant to NRS 233B.121(6) and will be reported as discipline pursuant to this policy.
  - e. The Board may not administer a private reprimand. NRS 641.240(2).
  - f. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. NRS 641.240(3).
  - g. A settlement agreement in a disciplinary case must be approved by the Board in a public meeting and the settlement agreement is a public record. NRS 622.330.

### **Unlicensed Activity Sanctions**

#### ***A. Cease and Desist.***

Order to Cease and Desist from engaging in activity prohibited by NRS 641.390. NRS 641.2705(2)(a).

#### ***B. Citation.***

A written citation that describes with particularity the nature of the violation. NRS 641.2705(2)(b) and (3). A citation may be appealed to the Board within 30 days after the date of the citation. NRS 641.2705(5).

#### ***C. Administrative Fine.*** For any violation of NRS 641.390, the Board *shall* assess an administrative fine of:

1. \$500 (first violation),
2. \$1,000 (second violation), and
3. \$1,500 (third or subsequent violation).

#### ***D. Attorney Fees and Costs.*** If the Board finds that a person has violated any provision of NRS Chapter 641 or NAC Chapter 641 or the person admits to such conduct or does not contest the allegations, the Board may:



1. Assess the Board's reasonable attorney fees and costs incurred as part of the Board's investigation or the Board's administrative or disciplinary proceeding pursuant to NRS 622.400(1).
2. Costs allowed are defined in NRS 622.400(2).

***E. Injunction.***

If a person continues to engage in unlicensed activity, the Board may file an action in civil court requesting that the court enter an injunction against the person, enjoining him/her/them from engaging in the unlicensed practice of psychology. See NRS 641.316.

**Aggravating and Mitigating Factors**

The following factors may mitigate or aggravate the sanctions that may be imposed in the disciplinary process.

***A. Factors Related to Conduct.***

1. Gravity of the unprofessional conduct
2. Age, capacity and/or vulnerability of the patient, client, or victim;
3. Number or frequency of the acts of unprofessional conduct;
4. Injury caused by the unprofessional conduct;
5. Potential for injury to be caused by the unprofessional conduct;
6. Degree of responsibility for the outcome;
7. Abuse of trust;
8. Intentional or inadvertent act;
9. Motivation is criminal, immoral, dishonest, or for personal gain;
10. Length of time since the unprofessional conduct occurred.

***B. Factors Related to the Psychologist.***

1. Experience in practice;
2. Past disciplinary record;
3. Mental and/or physical health;
4. Personal circumstances;
5. Personal problems having a nexus with the unprofessional conduct;
6. Voluntary restitution or other remedial action;
7. Admission of key facts.

***C. General Factors.***

1. License holder's knowledge, intent, and degree of responsibility;
2. Presence or pattern of other violations;
3. Present moral fitness of the license holder;
4. Potential for successful rehabilitation;
5. Present competence to practice;
6. Dishonest or selfish motives;
7. Isolated incident unlikely to reoccur.

**Appendix A**  
**Policy regarding Court Ordered Evaluations**

A person filing a complaint arising out of or related to a court ordered evaluation must submit the following in addition to completing the Complaint Form:

- 1) Final order or judgment in the case
- 2) A copy of the court order appointing the licensee in the case.

A complaint subject to this rule shall be dismissed unless the Complainant can show the following:

- 1) The licensee was disqualified as an expert witness by the Court.
- 2) The licensee's opinion or inferences complained of were ruled inadmissible by the Court.
- 3) A curriculum vitae and written report by an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of the American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes or Nevada Administrative Code in the licensee's report.

A complaint subject to this rule must be filed within one year of the entering of the final order or judgment concerning the licensee's evaluation in the case.

## **Appendix B**

### **Policy regarding Court Ordered Psychological Services**

A person who files a complaint alleging a statutory or ethical violation arising out of or related to court ordered psychological services, including, but not limited to, psychotherapy, reunification therapy, parent coordination, and parent coaching, must, in addition to completing the complaint form, comply with the following requirements:

- 1) A complaint may not be filed while the licensee is under court appointment to provide the particular psychological service unless the person has applied to terminate services with the court.
- 2) Submit the curriculum vitae and written report of an expert qualified to render an expert opinion in the relevant subject area. The report must address deficiencies in standard of care, violations of American Psychological Association Code of Ethics, and violations of Nevada Revised Statutes/Nevada Administrative Code in the licensee's psychological services.
- 3) The complaint must be filed within one year of termination of services.

## Appendix C

### Requirements for Supervised Practice

Disciplinary supervision, or supervised practice, is a remediation requirement that results from Board discipline of a licensee. The supervision requires the supervisor and licensee to focus on areas in which the supervisee has experienced problems. These areas could include, for example, maintaining appropriate boundaries, conflict of interest, informed consent in assessments, and recordkeeping.

- If a Board investigation of a licensed psychologist, psychologist associate, or temporary practitioner results in disciplinary action, an Order is issued by the Board itemizing the Board's disciplinary actions.
- If the Order requires disciplinary supervision, the Respondent may propose a disciplinary supervisor for Board approval from the list of trained Disciplinary Supervisors.
- The Board sends a letter of engagement to the Disciplinary Supervisor, and disciplinary supervision commences per the terms of the Order. Terms of the Order will include frequency and duration of required disciplinary supervision meetings and quarterly documentation of practice monitoring will be submitted to the Board.
- A licensed psychologist who supervises/serves as a practice monitor for a licensed psychologist who has entered an agreement with the Board or been ordered by the Board to practice psychology under supervision or with a practice monitor is professionally responsible only for work specified in the agreement or order.
- Upon completion of the minimal requirements of the Order, the Licensee and Disciplinary Supervisor may request termination of the disciplinary supervision.
- The licensee shall pay the costs incurred.