

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

April 7, 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, PsyD, at 8:02 a.m. online via “zoom” and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502.

Roll Call: Board President Whitney Owens, Psy.D., and members Monique Abarca, LCSW, Lorraine Benuto, Ph.D., Soseh Esmaeili, Ph.D., and Catherine Pearson, Ph.D. were present at roll call. Secretary/Treasurer, Stephanie Woodard, Psy.D., and member Stephanie Holland were absent. Despite the two member absences 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, and Executive Director Laura Arnold.

Members of the public present were Dr. Thomas (UNR counseling services director of training), Dr. Yvonne Fritz (Mojave Meadows Psychological Services in Henderson, Nevada) and Dr. Tara Borsh (Nevada Psychological Association).

2. Public Comment.

There was no public comment at this time.

3. Minutes

**A. (For Possible Action) Discussion and Possible Approval of the
Minutes of the Regular Meeting of the State of Nevada Board of
Psychological Examiners on March 10, 2023.**

There were no comments or changes suggested for the minutes of the March 10, 2023, meeting.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on March 10, 2023. Member Catherine Pearson

approved the minutes as to form, not content. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

4. Financials

A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget.

Director Arnold had no changes to the amended budget as it was reviewed and approved in February. Going forward she will be focusing on the Fiscal Year 23 budget and actual expenditures as they relate to preparing the Fiscal Year 24 budget, and expects to have something to present at the May meeting. Showing the spreadsheet that was brought forward in June 2022 approving the FY 23 budget, she said the only changes in the condensed spreadsheet being the actual revenue and expenditures over the past month.

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

Director Arnold stated that the checking account balance as of March 31, 2023, was just over \$419,000, and that the Board is still operating on \$171,000 of the deferred revenue that the previous executive director discussed in February's meeting. She said nothing has changed regarding the next expected allocations for the next biennium quarters. Director Arnold also said that the savings account balance is just over \$105,000, and that there have been no unforeseen expenses, almost all line item expenditures being under budget and at this point, being three fourths of the way through this fiscal year, revenues are at 106% and the total expenditures are 73%.

Chair Owens reminded the Board members and the public that we are in the first quarter after renewals, when it has its highest amount of money and then the Board spends it down through the year and through the biennium. She explained that the Board gets flush again with renewals, and said If it looks like the Board has a lot of money, it does because it is at the beginning of the biennium cycle.

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

5. Legislative Update

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

In going through the table of bills that the Board is following, Chair Owens stated that:

- AB37, for which the Board wrote a letter of support, passed through the assembly to the Senate.
- The Board continues to monitor AB198, which is the bill that would allow for the unified telehealth act. She explained that states not in PsyPact would be able to register through the unified telehealth act and provide telehealth in Nevada, and that the Board was concerned about establishing education and training equivalency, especially given that California applicants often get routed to our ATEAM for equivalency determination.
- SB150, which Senator Buck wrote, provides for provisionally licensed Psychological Trainees, Psychological Interns, and Psychological Assistants. Chair Owens noted that the Board does not necessarily have any concerns about it, as provisional licensure would allow for billing commercial insurance and not just Medicaid, but that the Board sought to clean up some of the language because it would have created overly restrictive measures, particularly for Psychological Trainees. She also noted that the bill has not been heard, and probably will not be heard.
- AB236 is the Board's bill. It passed unanimously in the Assembly, and is waiting to go to the Senate be heard.

Dr. Lenkeit asked about AB219, which he understood had been discussed in the last meeting. He queried about the motivation for that bill, as it seems to be a solution in search of a problem. Dr. Owens said it looks like it was heard in the Assembly, but did not know if they took a vote. She also noted that there were a lot of concerns about the bill, and asked the executive director to share the concerns from the board collective.

Director Arnold stated that a basis for the portion of the bill about which there was concern was the public's ability to access members of boards and commissions. She said there was a lot of opposition to the bill, and some of the concern about the bill's

requirements was that the public already has access to board and commission members, and that it would discourage people who are unable to physically get to meetings from participating on boards and commissions. There was also concern that the physical attendance requirement was disjointed from where in the legislation this bill seeks to be and the problems it would create.

Dr. Lenkeit noted that, in terms of access, the requirements in this bill would seem to decrease that in rural areas – i.e., they would have to drive to Vegas or Reno for a meeting to access the members rather than participate in a Zoom call. Director Arnold said there was discussion around that in the meeting, that there were written materials that were submitted in opposition to the bill, and that the hearing can be viewed on the NELIS site.

DAG Ward said that some of his boards felt that if they had to meet in person 25% of the time, they were going to meet less often and have longer meetings because they are going to have to make sure their travel budget is in order.

President Owens stated that, at this point, it is unclear where the bill is, and there is enough opposition to it that they might be re-writing particular pieces. She said she can understand there being something about facing your accusers in person, so to speak, but that requiring Board members to be in the same place at the same time is cumbersome and not efficient. She explained that the Board used to have a model where people could come in person both in the north and the south, but it would be a location in the north and one location in the south, and it required one board member to be in each location and then people could travel. She thought going back to a model like that where people could join virtually would make more sense.

B. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, during the 2023 Session of the Nevada State Legislature.

President Owens gave another update on AB 236, stating that she and the executive director met with the Department of Human Resource Management a few weeks ago, and that they are already working on title changes for those who are labeled Psychologist I, Psychologist II, Psychologist III. She hoped the Board would get an update from them in the next month or so on what those title changes look like and scope of practice, and said the Board will be able to be active in that process, as they have been very cooperative.

6. Board Needs and Operations

A. Report from the Nevada Psychological Association

Dr. Tara Borsh gave an update from the Nevada Psychological Association. She stated that May 5th is NPA's 35th annual conference and business meeting that it will be an in-person and provide 6 continuing education credits, the programs being Clinical Considerations with Transgender and Nonbinary Youth and a few other topics. She said there will be a few presenters that day. Dr. Borsh added that on April 19th, there is a continuing education webinar Assessment and Treatment Considerations for Youth with Atypical Anorexia, and on April 28th, there is another continuing education webinar on Use of Attachment Based Family Therapy for Adolescents Struggling with Depression and Suicidal Thoughts. She said the NPA encourages everyone to come to the annual conference.

B. Report from the Executive Director on Board Officer Operations

Director Arnold highlighted the spreadsheet that is used from month to month for everything that the Board office tracks and noted that those items remain steady. She said there is not too much to report, and that everything the Board office receives gets processed quickly and put into the system so that tracking remains fluid and current.

On a different topic, Director Arnold said it was her understanding that Board member elections are slated for June, so it is a good time for the Board's members to be thinking about positions as they relate to investment of time and effort the members willing to put in.

President Owens stated she wanted everyone to be thinking about the positions the members want or are interested in. She said that, if the Board will have her, she is willing to continue as president for her last year on the Board, but that she wants someone to be shadowing that position so that there is a fluid transition when she rotates off the board next June. President Owens asked everyone to be thinking about that and considering that, and that the shadowing process would mean an extra meeting or two per month with her and the executive director.

Dr. Benuto asked about President Owens' level of commitment, which seems really high, and wondered what that looks like on a week-to-week basis. President Owens explained that she and the executive director meet weekly, just as she did, with a few exceptions, with the prior executive director. Dr. Owens said her hope would be that as the new executive director continues to get more knowledgeable and settled in her role as executive director, those meetings can be shifted to every other week so that the executive director can have more autonomy, but that the weekly meetings are very helpful, especially during the legislative session. Outside of that, Dr. Owens said she

puts in about an hour to 2 hours per week of reviewing materials, but that it feels like more during the legislative session.

7. (For Possible Action) Discussion and Possible Action to approve the employment agreement of Laura M. Arnold.

DAG Ward stated that some boards use an employment contract and some do not, and that he got this contract from the Attorney General's office's form bank and used it as boilerplate, so it is up to the Board if they want to go ahead with it. He said the good thing about this Board is that it has internal policies in terms of review of the executive director's pay, etc., and that many of his other boards do not have that. He added that it is very good that this Board has those policies and he can refer to them in this agreement.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Employment Agreement of Laura M. Arnold. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

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

A. Complaint #19-0626

Discussion of this case was included in the discussion regarding Agenda Item 8-B, Complaint # 19-0709.

B. Complaint #19-0709 – **(For Possible Action) Discussion and Possible Action to Approve Settlement Agreement**

DAG Ward started with Agenda items 8-A and 8-B. He explained that they are similar, and that he is trying to resolve 8-A. He said he hoped that with the resolution of and approval of 8-B, 8-A will come along. Mr. Ward said he spoke with Dr. Lenkeit, Dr. Young, and the executive director in reference to the other complaints, and that there would be updates on those as well. Mr. Ward highlighted Item 8-B, complaint No. 19-0709 for possible action, and asked the Board, as an action item, to approve the settlement agreement in that matter.

President Owens asked if the Board members had a chance to review the settlement agreement in that case and if they had any questions for Mr. Ward. Mr. Ward stated

that in settlements like this, he gets a lot of input from the investigators, as they are in a good position to give recommendations for, i.e., continuing education or examples of what they believe would help the licensee in the future, and thanked the investigators for their input in trying to resolve the case.

President Owens asked Mr. Ward to provide a backdrop on settlement agreements and how the Board comes to them.

DAG Ward stated that the process starts when the Board office receives a complaint from a member of the public or a licensee. He explained that the complaint is given a number based on the year and the date the complaint is received. The Board's executive director then allocates the complaint to one of the investigators, who does a background contact with the complainant and lets the licensee know that a complaint has been filed and gets feedback. Mr. Ward said that sometimes the licensee gets an attorney, noting that many licensees have an errors and omissions insurance rider and will get an attorney involved, which can be good or bad. He said it can be bad when attorneys are in a large firm and know the licensee has \$25,000-\$50,000 to spend through the errors and omissions policy and will fight it tooth and nail and aggressively. The attorneys know the insurance company will pay and the licensee feels comfortable that nothing is coming out of his or her pocket – the licensee having paid for malpractice insurance for many years and finally gets to use it. Mr. Ward went on to explain that the complaint goes out to the licensee who is asked to provide a response, after which he and the investigator meet and make a decision on where they want to go with it. In so doing, they discuss possible recommendations for settlement and ideas on how to resolve it. He said once he has that information and reviews the investigator's report, he contacts the licensee and/or attorney. If it is a settlement agreement, Mr. Ward drafts and offers the settlement agreement, it is signed, and it goes before the Board for approval. The licensee knows that it has to be done in an open meeting. If it is not settled, the complaint goes to a hearing.

The meeting was disrupted by a member of the public, and President Owens said it looked like the meeting got Zoom-bombed.

President Owens moved on to ask if there were questions about or concerns with the content of the settlement agreement.

On motion by Lorraine Benuto, Second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Settlement Agreement in Case # 19-0709. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

At the end of the discussion on Agenda Item 8-E (Complaint # 22-0930), Board Investigator Dr. Young inquired with DAG Ward on Agenda Item 8-B, Complaint # 19-0709, asking if it was written into the consent decree that the respondent would work out the arrangements with her as to what class to take or what mentoring to do. She asked whether the respondent would contact her or if she should contact him. DAG Ward said either/or, and the only time it would be a problem is if the respondent has an attorney involved and she would have to go through the attorney. Mr. Ward explained that if he gets involved, he has to bill for it, and he is trying to be conservative in reference to knowing what he has to do without spending a lot of billed time doing it. Because Dr. Young will approve of the continuing education course or whatever he is going to do, Mr. Ward recommended she get in touch with the respondent. Dr. Young said she is happy to do it, and will get the respondent's contact information from the executive director.

C. Complaint #21-0726

[This item was discussed out of order, after Agenda Item 8-E]

Prior to providing her report on Complaint # 21-0726, Board Investigator Dr. Young stated that she had submitted her written report, but that she wanted to amend it to say her determination is pending her receipt of the response from the third psychologist, whose response has not yet been received, because she does not want this to come back month after month. She confirmed that was appropriate.

Board Investigator Dr. Young provided her report on Agenda Item 8-C, Complaint # 21-0726, as follows:

The situation was initially submitted in 2021 for a situation that has been going on since at least 2019. The complainant is a father who was engaged in a high conflict custody case in Family Court. It moved as far as it did because he repeatedly wrote and called the Board Office after submitting the complaint, and was very distressed and claiming that the three psychologists involved in this case violated ethics codes and Nevada Statutes. In the initial complaint, he complained about a number of perceived events he experienced in this process, and submitted to the Board what he considered evidence that his child was abused by her mother and the mother's boyfriend. While upset with everyone involved in his custody case (and there are concerns about the safety of the people involved), he was unable to identify any specific behaviors or acts that any of those professionals engaged in that would meet the criteria for legal or ethical violations. He thinks no one turned their evidence into Child Protective

Services, but they were and there were no findings regarding the people he accused of the abuse.

When the Board asked him to clarify exactly what these individuals had done that were illegal or unethical, he again wrote back to the Board with a list of stated run-on ethics and statutory violations, some of which were contrived and did not really exist, but could not identify actual behavior that anyone did or did not do that met the criteria for legal and ethical violations.

The psychologists were asked to respond to the materials provided by the complainant, which was a difficult task because he was unable to identify what they had done that was wrong or illegal. Their reports describe a pattern of behavior consistent with the behavior exhibited by the complainant in his writings and interactions with the Board Executive Director.

There is no evidence to support the allegations of violations of statutes or ethics codes. She understands people get upset in these situations and feel like they have been wronged or harmed, but he was given repeated opportunities to identify wrong-doing and was unable to do so. And none of it was supported by the information provided.

She recommended dismissal pending receipt and review of the response from the third psychologist because the complaint is unsubstantiated.

President Owens asked Dr. Young if it is put plainly, it sounds like the complainant does not have any substantiated claims, that there is no evidence to show any ethical or legal wrongdoing on the part of the psychologists. Dr. Young confirmed.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners dismissed Complaint # 21-0726 pending the Receipt of the Statement from the Third Psychologist. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.)
Motion Carried: 5-0.

D. Complaint #22-0804

There was no discussion on Agenda Item 8-D.

E. Complaint #22-0930

Board investigator Dr. Lenkeit provided his report on Agenda Item 8-E, Complaint # 22-0930, as follows:

The Allegations: The Complainants are a couple involved in a relationship who sought relationship therapy with the psychologist beginning in November 2019. They indicated that the psychologist recommended Gottman therapy and EMDR for couples. The initial Complainant indicated that he was concerned that the psychologist was doing EMDR with his significant other. He indicated that he found EMDR to be "disturbing, painful, and damaging," indicating that the psychologist attempted to "insert memories that never happened." He indicated that the psychologist was informally trained in EMDR by her father and had limited experience with adults. According to the first Complainant, joint counseling lasted until March 2020 and he found it to be ineffective and "humiliating." However, he then entered individual therapy with the psychologist. On May 20, 2022, he asked his significant other to become involved in his counseling session with the psychologist and she came to this session with him. The psychologist asked why his significant other attended the session. At some point during the session, the first Complainant indicated that the psychologist stood up and screamed at his significant other and told her to leave the session, scaring her.

The first Complainant's significant other indicated that joint counseling began in November 2019 and ended in October 2021 with a negative outcome. She reported that in November 2021, the initial Complainant began individual counseling with the psychologist. The second Complainant indicated that on March 22nd, 2022, the first complainant asked the psychologist to talk to her on the phone. She indicated that the psychologist escalated the conflict between her and the first Complainant and "raged" at her. She reported that on May 20, 2022, the first Complainant invited her to his session with the psychologist. The second Complainant reported that the psychologist repeatedly told her that she was incompetent and told her that she had destroyed the relationship between the Complainants. The second Complainant accused the psychologist of abusing both herself and the first Complainant and had done harm to them through her actions.

The Response: The Respondent indicated that the allegations are untrue and exaggerated. She indicated that she allowed the second Complainant to attend the session in question though her attendance was unexplained and she indicated that the first Complainant was her primary patient at that point. The Respondent indicated that the second Complainant became upset when the psychologist said she was ruining the relationship. The psychologist indicated she regretted making this statement, reporting she had done so after the second Complainant "became harshly critical in session and could not take direction." She indicated the second Complainant became upset and said she was going to leave the session but then did not do so. The Respondent indicated she then "firmly told her to leave."

The Respondent indicated she has received formal training in EMDR from Advanced Education Institute in California and in Gottman therapy to Level 3.

Case Analysis: The Complainants initially sought couples counseling. The sessions were later terminated with the first Complainant then becoming the patient of the psychologist. Such an arrangement constitutes multiple relationships between the psychologist and the Complainants. Specifically, the first Complainant became an individual client of the psychologist after being a client in couples counseling with the psychologist. The second Complainant became a collateral to the first Complainant's treatment following termination of couples counseling. The multiple relationships involved in this situation constitute a violation of the American Psychological Association Code of Ethics Guidelines 3.05 and 10.02. Guideline 10.02 specifically outlines the necessity for a psychologist to be very clear regarding their relationships with family members during any form of family treatment.

Regarding the psychologist's training in Gottman therapy and EMDR for couples, there are no specific guidelines established by any licensing entity for proficiency in these methodologies. Therefore, this Investigator cannot reach conclusions regarding the sufficiency of the psychologist's level of training. The psychologist confirmed that she received formal training in both methodologies. It appears that during one of multiple sessions, the psychologist placed responsibility for the demise of the relationship between the Complainants on the second Complainant. The Respondent indicated she regretted making this statement. Is this Investigator's opinion that this comment did not rise to a level to violate any ethical standards.

After consultation with Harry Ward, the Board's Deputy Attorney General, this Investigator informed the Respondent that a recommendation would be made to Board that the Respondent complete an additional course in Ethics, specifically dealing with dual relationships, or, in the alternative, participate in formal consultation with a psychologist who specializes in couples therapy, in order to resolve this matter. The Respondent indicated a willingness to comply with this recommendation if this is the decision of the Board.

Conclusion/Opinion: As the Respondent has violated Guidelines 3.05 and 10.02 of the American Psychological Association Code of Ethics, it is recommended that she either complete an additional 3 to 6 unit course in Ethics specifically focused on dual relationships, or participate in formal consultation with a psychologist who specializes in couple's therapy. As this is a primarily educative and remedial issue for the Respondent, it is recommended that this violation is not reported to the national board as a disciplinary issue.

DAG Ward stated this is a good example of the procedure in this case. He said that he and Dr. Lenkeit met and talked about this case, and because Dr. Lenkeit has a

recommendation, they will get in touch with the licensee and/or attorney and provide recommendations to resolve the case. If the licensee does not approve of the recommendation or consent to resolve the complaint, then it will go to a formal hearing. Mr. Ward noted that they were not seeking the Board's approval at this point because it would be premature. In order to seek the Board's approval, it would have to be in a consent agreement brought before the Board, as in Agenda item 8-B. He said he hopes it will resolve as in Agenda Item 8-B with consent agreement.

President Owens asked if the Board needs to take a vote, to which DAG Ward said the Board does not get involved at this point. He explained that this was just an update, and that they are hoping to bring a consent agreement, as the licensee appears to be accepting the recommendations. If the licensee backs out, however, then the Board will put it on for a hearing on the matter.

Dr. Lenkeit added to what Mr. Ward said by seeking feedback from the Board. He said there are two possible settlements, and if any Board members strongly opposes one or the other, he wants to know that before they write it up for settlement.

DAG Ward explained that because they want the licensee to be educated in what he or she did wrong and make sure it does not happen again, they can get creative. For instance, instead of requiring the licensee to take a certain continuing education class on, i.e., dual relationships and there is no such course, they may recommend some sort of supervised on the job training. Something that is equivalent. He said that they are not asking the board to make that decision at this point, but those are two options that might be included in a consent decree. Because it is on the agenda, however, the issue can be brought for the Board's discussion regarding whether resolution should always require continuing education units or if resolution options can be at the discretion of the investigator and counsel.

President Owens asked if there were any concerns about the supervised practice or continuing education, or if anyone had additional recommendations for remediation. She said both recommendations make sense to her and that she did not have any additional potential ideas to add.

Board investigator Dr. Young circled back to Agenda Item 8-B, Complaint # 19-0709, as an example of a case in which they needed to get creative. She said the violation was something that was so simple that there is not really a continuing education course about it.

F. Complaint #23-0303

There was no discussion on Agenda Item 8-F.

G. Complaint #23-0315

There was no discussion on Agenda Item 8-G.

President Owens applauded DAG Ward, the Board investigators, and the executive director for moving some of the complaints forward and shortening the list. She said she is heartened by that.

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.

President identified the following applicants as recommended for approval of licensure contingent upon completion of licensure requirements: Melissa Stolsig, Colleen Character, Kelly Thomas, Adrienne DiFabio, Lindsay Wray, Quintin Bailey, and George Lazo.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the following applicants for approval of licensure contingent upon the completion of licensure requirements: Melissa Stolsig, Colleen Character, Kelly Thomas, Adrienne DiFabio, Lindsay Wray, Quintin Bailey, and George Lazo. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

10. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. Krystal Smith to take the EPPP-2 a fourth time.

President Owens stated that Dr. Krystal Smith has applied to take the EPPP-2 a fourth time. She said that according to her application, Dr. Smith passed the EPPP-1 in July 2022, and the Nevada State Exam in January 2023. However, Dr. Smith took and did not pass the EPPP-2 in September 2022, October 2022, and February 2023, although all three scores were close to the passing score.

Dr. Owens highlighted Dr. Smith's outlined study schedule, her explanation about how she intends to re-approach the exam based on where she scored lowest in her prior attempts, and that she notes the lack of information or programs available to assist in studying for the EPPP-2. Dr. Owens said that Dr. Smith requests any information regarding resources that can help her pass the EPPP-2.

President Owens stated that if they look at Dr. Smith's study plan, it looks like she plans to continue to study one hour per day during the week and two hours a day on the weekends, continues to read about ethics, intervention, assessment and coaching, and reads relevant research articles and breaks down key points as it relates to the scientific orientation to practice. Dr. Owens confirmed Dr. Smith's statement that there are currently no practice tests for the EPPP-2. Dr. Benuto asked what the passing score is for the EPPP-2, to which Dr. Owens answered 500, and Dr. Benuto noted that Dr. Smith is close to that score.

Dr. Owens said she recommended that the Board connect her with psychologists who have taken the test as it might be a helpful resource as to what they did to prepare for the test. She noted that Dr. Smith is certainly putting in the time and that there are currently no study guides. Dr. Smith's application identifies the areas with which she needs more contact and study.

Dr. Owens said that she is OK to approve the application for Dr. Smith to take the EPPP-2 a fourth time, and wants to make sure she is contacting others who have recently passed it.

DAG Ward stated that is permissible.

President Owens asked the executive director to tell Dr. Smith that the Board approved her request and that it recommends she reach out to others who have taken the test. If she does not know anyone, the Board can ask others who have passed if they would be willing to talk to Dr. Smith.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the application of Dr. Krystal Smith to take the EPPP-2 for a Fourth Time. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

11. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License by Dr. Michael Unger, PY0853.

Director Arnold stated that Dr. Michael Unger has applied for reactivation of his license. She said that according to his application and the Board's database, Dr. Unger's license was issued in 2018, and became expired January 1, 2021, after apparent non-renewal. She noted from Dr. Unger's application that he is currently also licensed in Washington (effective January 2023, currently active), Oregon (Effective March 2020, currently active), and North Carolina (effective January 2018, currently inactive), and that those have been verified through the states' respective psychological boards.

Director Arnold explained that upon reviewing the continuing education credits Dr. Unger submitted with his application, she noticed a minor discrepancy was noted on his continuing education attendance record. On the second page of the CE attendance record (page 5 of 6 of the application), Dr. Unger identified a total of 15 live CE credits. However, the total count in the itemized list and the accompanying CE certificates was 14 live CE credits. As a result, the executive director said she wrote to Dr. Unger and inquired about whether he inadvertently omitted one of his live CE credits. Dr. Unger responded with:

- an additional live CE certificate and credit that had been omitted from his application; and
- additional information that, if approved, he will be seeking credentialing with an insurance provider in Nevada so that he can serve a more diverse clientele.

President Owens stated that his application shows that Dr. Unger has taken all of the required courses for reactivation.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application of Dr. Michael Unger, PY0853, for the Reinstatement of his license. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

12. (For Possible Action) Discussion and Possible Action on Master's Level Licensure Update.

In giving the Board an update, President Owens said she serves on a preliminary committee for the ASPPB, which is the task force working on master's level licensure model language, and that there is a subcommittee of the preliminary committee that is working on drafting language for licensure of master's level applicants. According to Dr. Owens, it is looking like the current trend is working on different kinds of licensure for master's level applicants. She said they have not yet come up with the title, as they are working on the scope, but the tracks would include a therapy track, an assessment track, and a school track. Dr. Owens was not sure that the school track would work for Nevada, but the therapy track and the assessment track would each include 3,000 hours of post-graduation supervised experience. For instance, if someone went through an APA accredited master's program and focused on assessment, he or she would be able to do their 3,000 hours of internship in assessment and then be independently licensed to practice after that in that particular modality. The same would go for the therapy track. If someone concentrated on therapy, they would do 3,000 post-graduation supervised experience and then be able to practice independently in therapy. With that update on the conversation that is currently happening, Dr. Owens said she is happy to continue to provide updates. She explained that their goal is to align as closely as they can once they adopt master's level licensure with ASPPB's recommendations, and thinks that would help with portability and mobility in the future and probably provide ease of access for moving from state to state.

Member of the public Jodi Thomas asked if what Dr. Owens is saying is that the ASPPB will be improving master's level clinicians to do the same kind of assessments as psychologists. Dr. Owens said no, there would be a limitation in terms of assessment. She explained that they are still looking at how to define that and what the limited scope would be in terms of assessment. She went on to explain that what is being figured out right now is limiting neuropsychological testing and other kinds of assessment, but that is yet to be determined.

Dr. Young asked if this is being done in concert with APA Committees, to which Dr. Owens answered yes. Dr. Young stated that APA is having this push to accredit master's level training programs and then in turn what the committee Dr. Owens is on is working to determine how to license them. Dr. Owens said that is exactly right. She reiterated that none of the language is fully written or formed yet, but that she just wanted to give an update on where they are in the process. She said if anyone has any glaring concerns, she can take that back to the committee, but the direction it is going is ensuring competency and specificity in what those at the master's level can do so that they can increase workforce and also protect the public. Dr. Owens clarified that it

is not dulling down the practice of psychology, but rather creating additional pathways for people to practice.

13. (For Possible Action) Discussion and Possible Action on the April 5, 2023, meeting of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

Dr. Owens stated that the ad hoc committee to consider the registration of supervisors met this week and did an overview of what the committee is looking at and orienting the committee as to what the Board is looking at terms of registration of supervisors and cleaning up rules and regulations around supervision. At this point, she had nothing too exciting to report, and noted the committee will meet again in a month. She said the committee has homework to do in terms of looking at our current regulations, looking at the suggestions, and looking at some of the model language that the ASPPB has created around supervision. She hoped that next time the committee will be able to dig in and do a little more work on suggestions around how to streamline some of the supervision language.

When asked if she had anything to add, Dr. Benuto stated that the meeting went well and that the committee would have success in accomplishing its task. Dr. Owens agreed, and stated that everyone is looking forward to the challenge and creating meaningful and clear language to make things easier.

14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.

President Owens moved this item to the May meeting, when Dr. Woodard returns and can review that with the Board.

15. (For Possible Action) Discussion and Possible Action on Governor Lombardo's Executive Orders:

Director Arnold stated that the Board has 2 executive orders to which it is responding.

A. 2023-003 Requiring the Board's Comprehensive Review of its Regulations, due May 1, 2023.

Director Arnold explained that the first Executive Order is Executive Order 2023-003, which requires the Board's comprehensive review of its regulations, and that is due May 1, 2023. The Governor's office has required each executive branch department, agency, board, and commission undertake a comprehensive review of its regulations and provide a report to his office by May 1, 2023, that details how those regulations can be streamlined, clarified, reduced or otherwise improved to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. She and President Owens prepared a draft report in response to the Executive Order, and have completed the template the Governor's office provided that needs to accompany the report. The report and completed template will be submitted to the Governor's office by the May 1, 2023, deadline. That will be before the next meeting, so we have submitted that report for this meeting for approval so that we can get it submitted.

President Owens paused the meeting for 10 minutes to allow the Board members to review the report in response to Executive Order 2023-003.

President Owens gave an overview of the Board's proposed response to Executive Order 2023-003. She said she and the executive director went through the Board's regulations. She stated that the Board is pretty lean – or as lean as it can be – on its regulations. What she and the executive director sought to do was to pull regulations out that create confusion and lack of clarity for psychologists and the public. Dr. Owens said that, as it stands, we still have all of the regulations in our chapter for Behavior Analysts, which were taken off of our Board in 2019. She explained that it creates a lot of additional and cumbersome language in our NRS and NAC that creates confusion for both Behavior Analysts and the public, and makes it more difficult for those seeking licensure in Nevada to get through the Board's regulations and understand them thoroughly due to the extra cumbersome language. As a result, the report identified those provisions for removal to make it more clear.

President Owens also stated that the Board still has in its regulations a provision for registering corporations and businesses with our Board, but that it is something the Board does not do or has ever done. She said that the Board has had conversations about what that would look like and if there would be any benefit or additional protection of the public by doing that, but that it was never conclusive that it would provide any additional protection for the public. She also said that because there are other governing bodies that can restrict businesses or business licenses if someone is providing bad business, the Board decided that the regulation requiring business registration with the Board was one to recommend to the Governor for removal.

President further stated that the Board added language about how it is currently in the process of streamlining its regulations around supervision. She explained that the

Board is taking that on, and it is not that the Board wants to eliminate the supervision provisions, but they want to make them more readable, user friendly, and more meaningful to the practice of supervision.

DAG Ward stated that he has other boards that are also doing same thing. In regards to their recommendations to the Governor, he said they are going to have public hearings for the removal of regulation. Mr. Ward explained that it is opposite to a regulation, so the Board would have to have a hearing with 30 days' notice to the public that the Board is going to eliminate regulations. Sometimes that is premature because the Governor may say no to accepting certain removals. Mr. Ward said it is something to think about for the future.

Dr. Owens asked if there were any comments, questions, concerns about what the executive director has drafted. She said for the record that the executive director did an excellent job of drafting the Board's response. It is very clean, thorough, and readable, and Dr. Owens appreciated her tremendous work. She noted that it is not easy to come into a new job and two months later write a 25-page executive order response. She told the executive director that the Board is exceptionally appreciative.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved for submission on or before May 1, 2023, the Draft Report to the Governor as required by Executive Order 2023-003 that Identifies the Regulations and References in the Regulations that Concern Behavior Analysts for Removal, and to Streamline the Regulations Regarding Supervision. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

B. 2023-004 Requiring Nevada the Board's report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into the profession the Board regulates, due April 1, 2023.

Director Arnold stated that we had a second Executive Order that was directed to the Board and other occupational professional licensing boards. She said the Governor's office has also required that the Board provide to him and the Director of the Legislative Counsel Bureau a report that details regulations that restrict entry into any occupation or profession, in the Board's case, the profession of Psychology. That report was due April 1, 2023. Director Arnold explained that she and President Owens prepared the required report and completed the Excel spreadsheet template that the Governor's office provided to accompany the report. The report was addressed in the Board's last meeting and the Board gave approval for the report and anything we needed to submit

because it was due April 1, 2023. She and Dr. Owens have submitted that report. Both the report and the template were submitted via email and U.S. Mail to the Governor's office and the Director of the Legislative Counsel Bureau on March 30, 2023. Director Arnold said she received confirmation from both that they received the submissions to them. The report and template are now before the Board for approval as submitted, or for approved revisions that can be incorporated into the report for submission as a supplement to what was originally submitted.

President Owens added that Executive Order 2023-004 wanted the Board to identify the regulations that restrict access to licensure in Nevada. She noted that toward the end of the report is information and discussion around reciprocity and how the Board is addressing that in the State via PsyPact and endorsement. Dr. Owens said that the executive director did a nice job of including the PsyPact map to show participation across the country, and that the consensus of the mental health boards in Nevada is that the Board is doing a good job given the avenues that we have. She explained that even though the report has been submitted, the Board can make revisions if there are any concerns with the document. Dr. Pearson stated that she was comfortable moving forward with a motion to approve the report.

On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the report and Excel Spreadsheet Template that Details the Board's Regulations that Restrict Entry into the Profession the Board Regulates as Required by Executive Order 2023-004, and that the Board Submitted to the Governor and the Director of the Legislative Counsel Bureau on March 30, 2023. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Catherine Pearson.) Motion Carried: 5-0.

President Owens thanked the executive director for her work on that report. She said even though it is only a six page document, there is a lot in that document to show the amazing work our Board has done to help increase mobility and reciprocity with other states.

16. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

- A.** The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, May 12, 2023, at 8:00 a.m.

President Owens stated that the next meeting of the Board is scheduled for May 12, 2023, at 8:00 a.m. Dr. Pearson stated that she would not be available on that date. No one else stated they would be unavailable.

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

There were no requests for future meeting agenda items.

18. 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).

There was no public comment at this time.

19. (For Possible Action) Adjournment.

There being no further business before the Board, President Owens adjourned the meeting was adjourned at 9:31 a.m.