

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

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); 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/). 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/dismitted 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.