

**STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS’
AD HOC COMMITTEE TO CONSIDER REGISTRATION OF SUPERVISORS OF
PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGICAL INTERNS, AND
PSYCHOLOGICAL TRAINEES, AND ASSOCIATED CONCERNS**

MEETING MINUTES

June 28, 2023

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

Call to Order: Committee Chair Dr. Whitney Owens called to order at 9:02 a.m. the meeting of the Nevada Board of Psychological Examiners’ Ad Hoc Committee to Consider Registration of Supervisors of Psychological Assistances, Psychological Interns, and Psychological Trainees, and Associated Concerns (“the Registration of Supervisors Committee”).

Roll Call: Committee Chair Whitney Owens and Committee members Ben Adams, Lorraine Benuto, William O’Donohue, and Michelle Paul were present at roll call. Executive Director Laura Arnold was also present. The Committee had a quorum of its members.

- 2. Public Comment.** Note: Public comment is welcomed by the Committee and may be limited to three minutes per person at the discretion of the Committee Chair. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Committee Chair 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)

There was no public comment at this time.

3. (For Possible Action) Discussion, Deliberation, and Possible Action to approve the minutes of NBOPE’s Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees’ May 31, 2023, meeting.

Committee Chair Owens asked if the committee members had an opportunity to look over the proposed minutes from the last meeting on May 31, 2023. No changes were discussed.

On Motion by Lorraine Benuto, Second by William O’Donohue, the Nevada State Board of Psychological Examiners’ Registration of Supervisors Committee approved, the Minutes of its May 31, 2023, Meeting. Dr. Paul

approved the minutes as to form, but not content. (Yea: Whitney Owens, Ben Adams, Lorraine Benuto, and William O'Donohue.) Motion Carried: 4-0

4. (For Possible Action) Discussion, Deliberation, and Possible Action by NBOPE's Ad Hoc Committee to Consider and Make Recommendations to the Board Regarding the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

Dr. Owens opened the discussion by noting that the Committee was united in not wanting to register supervisors. She mentioned there were a lot of conversations that addressed in lieu of registration, the Board would make the information to supervisors very clear. Dr. Owens reviewed RO74-18 and after looking at the language she thinks it is clear yet cumbersome for licensees and people coming into the state. Dr. Owens affirmed that Dr. Benuto's proposal, made last time, to put everything in one place that is easy for supervisors to read would be best. Something clear, simple, and not cumbersome that explains supervisors are to help students through the process would be Dr. Owens' preference. Dr. Owens thinks right now the mentality is that students should be doing this themselves.

Dr. Paul requested clarification regarding creating a directory of approved supervisors, asking if supervisors will still have to register with a psychological assistant. Dr. Owens stated that in lieu of a formal registration process, they would register as supervisors of students, but pointed out that it would not be a separate registration process. Dr. Owens believes this can be done through a handbook with particular clarity. Dr. Owens included an example of a supervisor asking why the student is not registered. So, with this revision, the Board Office would be able to point to the handbook and say with clarity what are the supervisor's duties/obligations. Dr. Paul thinks an acknowledgment of the handbook with an agreement to abide by the obligations of a supervisor as outlined in the handbook would be a good idea. The proposal was something like an informed consent process that explains the supervisors acknowledge, understand, and agree with the handbook. Dr. Owens agreed.

Dr. O'Donohue believes a frequently asked questions section would be helpful in the handbook, too. Dr. Owens agreed.

Dr. Owens and Director Arnold will work closely to establish a handbook on this topic. Director Arnold points out that supervisors are always cc'd on all communications with the trainee and the Board Office. Dr. Owens believes this has been a helpful addition to the process.

During the last meeting no vote was held regarding the Committee not recommending registration to the Board. The Committee confirmed.

On Motion by William O'Donohue, Second by Lorraine Benuto, the Nevada State Board of Psychological Examiners' Registration of Supervisors Committee approved a supervisors handbook in lieu of supervisor registration to be presented to the Board for approval. (Yea: Whitney Owens, Ben Adams, Lorraine Benuto, Michelle Paul, and William O'Donohue.) Motion Carried: 5-0

5. (For Possible Action) Discussion, Deliberation, and Possible Action to Make Recommendations to the Board Regarding Revisions to NAC Chapter 641 Provisions Related to the Practice of Supervision by a Psychologist.

- A. NAC 641.1507
- B. NAC 641.1519
- C. NAC 641.152
- D. NAC 641.156
- E. NAC 641.157
- F. NAC 641.158
- G. NAC 641.159

Dr. Paul was not entirely sure what she was to review since she was not at the last meeting. But she did go through a couple of things, including adding language to ensure any kind of supervision of supervisor activities would be allowable.

As such, Dr. Paul added NAC 641.1519 language ("a psychological assistant, psychological intern, or psychological trainee may provide clinical supervision to a junior psychological assistant, psychological intern, or a psychological trainee under the supervision of a board approved supervisor as part of a graduate-level supervision course, or other formal training plan to develop supervision competencies"). This would have been assuming the Board was going to do a formal supervision process, so this may need to be revised accordingly. Dr. Paul believes this is the language necessary for supervision of supervision.

Dr. Owens described a scenario where a supervisor has 2 post docs and 3 psychological trainees, if the psychological assistants are supervising the psychological interns and trainees, would that only count as 2 supervisees before the supervisor or would it count as 7? Dr. Paul specified she had similar questions. Dr. Paul said did go to the ASPPB Guidelines and they are different from the Regulations regarding the maximum number of supervisors. In the ASPPB Guidelines, their recommendation is centric to internship and post doc and not pre degree practicum training. Bearing that in mind, Dr. Paul did some tweaking due to

the innovation of Nevada, which allows registration of trainees with Medicaid under supervisors.

After serious consideration, Dr. Paul made a proposal for the Committee's review and further discussion: a supervisor shall be responsible for the case supervision of not more than 3 full-time equivalent supervisees (up to 40 hours per work week) simultaneously inclusive of not more than the equivalent of 4 psychological trainees at 10 hours per week (for example, 1 supervisor could supervise 3 fulltime psychological assistants OR 3 full time psychological interns OR 4 psychological trainees at 10 hours OR 3 psychological trainees at 15 hours OR 2 psychological trainees at 20 hours OR a combination of assistants, interns, or trainees not to exceed 3 full time supervisees).

Another scenario Dr. Paul discussed was: a supervisor of record may employ a nested supervision model (i.e., supervision of a non-licensed psychological trainee or psychology intern by a non-licensed psychological intern or psychological assistant (not to exceed a total of 3 full-time equivalent supervisees. The supervisors of record must provide supervisor in training weekly supervision of supervision (for example, 2 postdocs supervising 4 practicum students at 10 hours; 2 interns supervising 4 practicum students; 1 postdoc supervising 1 intern supervising 4 practicum students; 1 postdoc supervising 2 interns; 2 postdocs supervising 1 intern).

Dr. Paul continued to state, the supervisors of record must ensure supervision activities as follows: for a psychological trainee, supervision activities shall be no less than 25% of the trainees time spent in service-related activities defined as treatment/intervention, assessment, interviews, report-writing, case presentations, and consultations. Most of the supervision (a minimum of 75%) shall be individual, in person (face-to-face) with a licensed psychologist, at least half of which shall be with the supervisor of record. The remainder of the supervision may be in a group setting, and/or be provided by another licensed mental health provider or by a more advanced trainee under the supervision of the supervisor of record. Additional descriptions were included on the document from Dr. Paul with specific information related to psychological intern and psychological assistant training.

Dr. Paul indicated the language pulled from the ASPPB Guidelines regarding how much supervision each developmental level needs and how much a supervisor of record must provide minimally. Dr. Paul noted this language is a little redundant to each other: the supervisor of record must provide a minimum of individual direct supervision to each supervisee under their organization, which lays out 3 different scenarios related to training specific to a supervisees developmental level. This is the minimum for supervisors per the nested model with ASPPB.

Dr. Paul believes it may be too much for the Board's purposes. Dr. Owens agrees it is a great start that should be amended for the Board's needs. Dr. Owens asked about in person versus face-to-face requirements, and Dr. Paul noted she did have a question regarding telehealth. ASPPB Guidelines do have guidance for tele-supervision being allowed (example: having to meet with supervisor one-on-one at least once). Dr. Paul believes this should be another question for the Committee to consider post-COVID times.

Dr. Owens said she was on a call regarding master's level supervision, which does require in person training for new trainees. This may need to be reviewed or considered to be built into the Board's rules. Dr. Owens does not want to get overly prescriptive but also wants to ensure they can reduce questions that result in longer wait times for people to come to board meetings to get decisions on. The longer a trainee has to wait for a board meeting, the longer they are going without working and it delays licensure. Dr. Owens wants to be as clear as possible without being overly intrusive. Dr. Paul believes the regulators are concerned about ensuring the individuals are engaging in competent supervision, which includes competent tele-supervision, and competent and diligent attention paid to the supervisee, and tele-supervision may not be that thing. It may be helpful to review APA Regulations to see if they discuss this (the new regulations produced for public comment). Essentially, as Dr. Paul describes, the programs are responsible for establishing that a student is ready for tele supervision. Although they leave the specifics up to the program to define, document, and demonstrate. The ASPBB during the April/May meeting had a keynote speaker to discuss tele-health, which Dr. Paul thinks included tele-supervision. The takeaway was maybe those who think they are competent may not be as competent as they think they are.

Dr. O'Donohue shares his concerns that he is not sure why he should take APA/ASPPB as authoritative (believes they are more guessing and do not rely upon enough research wherein APA takes into consideration more legal). He does agree they should not micromanage, but why do they do this for supervision yet not other functions for psychologists. For instance, there are no limitations on how many patients a psychologist can see a week, a program does not limit the amount of graduate students accepted, etc. What is the rationale with telling supervisors the maximum regarding supervision when it is not done in other areas? Dr. Owens believes that is a fair question and her first thought is to ensure protection for the public in creating rules/regulations. The middle ground is what should be considered (not to only cater to the individuals who are coming from programs who already regulate themselves and the others who are the lowest common denominator). As Dr. Owens is working in the community and seeing models that are exploiting students (example, how can I supervise as many people as possible to earn passive income and do the least amount of work possible). Dr. Owens would like to find a middle ground to not be overly permissive or overly restrictive (not really discussing APA students, but more so equivalency students). Dr. Owens is

concerned after seeing those types of models in the community and not doing anything. Dr. O'Donohue believes Dr. Owens' intentions are good, but he believes everything Dr. Owens mentioned could also be associated with psychotherapy and teaching – we want to protect the community from a psychotherapist from seeing too many patients, etc. The Board is concerned about quality and they have good intentions, however, the asymmetry is striking.

Two other points were brought up by Dr. O'Donohue: (1) he doesn't think he is conforming currently to these Rules when he is supervising through the way he has for over 25 years with UNR, at least the way he understands it. Although, he believes the UNR program provides good training with no adverse effects; (2) what psychologists have not grasped is the way you drive down price so more people can afford your services is to increase productivity and this is an anti-productivity stance. What if Henry Ford operated under regulations that said only 1 car a day can be made by 1 worker, etc.? The only reason the Model T was successful was because they did it in an efficient manner that drove down the price for more people to access it. In a situation such as this, the unintended effect is that you can decrease productivity. After he read this, he believes he either needs to devote a lot more time to supervision or kick students off his supervision team. Dr. Owens believes the examples used, as a psychologist, if she worked 60 hours a week and saw 60 patients a week (which would be a lot), the 60 lives that she is affecting versus the full-time practice of supervision of 25 students that can impact hundreds of lives. There are external controls over the teachers. For example, if you are not a great teacher, then the university/school that you are teaching at has some oversight to that. The Board is the external control for the psychologists and supervisors. It is different when discussing supervision versus the practice of psychologists because of the amount of lives that can be affected. Dr. Owens points out she understands Dr. O'Donohue's points and it is also a consideration of protection of the public if there are not enough people to serve the needs at a cost or level they can afford. Dr. Owens specified that at her practice they try to create a model where they provide good services to the public while also keeping costs affordable to the public. She maintains it is hard to balance the supervisees she can take on and provide really good supervision while not exploiting at the same time.

Dr. Benuto added that she has heard rumblings regarding exploitation of students in the community and her reaction to the attempts to regulate is coming from a place of already being regulated (in an institution with already tons of regulations). Lots of university oversight already included, so this would be more regulation which would not necessarily fit with UNR's model. Her reaction is similar to Dr. O'Donohue's. Dr. Owens believes that is fair and believes it is a great perspective that adds a layer of challenges. The rules, in Dr. Owens' mind, are not focused on specific concerns.

By nature, Dr. Paul believes she can get into a micromanager mentality. With that, she wanted to put everything down for the Board to consider. Dr. Paul pointed out some reminders: (1) remember, this is not about regulating what is happening in training programs, particularly if those programs are not billing Medicaid; (2) Medicaid came to the Board. There was a good faith understanding between the Board and Medicaid which allowed trainees to be billed. Upon which, Medicaid wanted to ensure the Board built in safety valves for potential fraudulent use.

To speak to Dr. O'Donohue's question regarding why they do not do this for teaching and why it is specific to supervision, Dr. Paul advises it correlates to the history of Medicaid when they sat down with the Board to co-write the Regulations. Medicaid was very clear about their concern regarding the abuse of trainees and the system to be billed. Dr. Paul would like to hear more regarding the training program being used at UNR. One could say that APA is just a group of people, similar to ASPPB, while there are some very smart people at those levels (ASPPB for use in all of America: US and Canada made up of a group of people who have a lot of experience and doing this a long time). Dr. Paul would like to acknowledge they may have some good information which should be considered. She discusses some advantages and disadvantages of each program and type of supervisees that make this a complex topic. Dr. Paul did point out that ethically and legally they have to have a working knowledge of their supervisee's cases and there's only so much a human being can do regarding the lives they are responsible for. Dr. O'Donohue also points out that is relevant to a practitioner and just because you're an expert does not mean the guesses are accurate.

To respond to Dr. Paul's comment regarding the UNR program, Dr. O'Donohue would like to go through the proposed Regulations that Dr. Paul has proposed with an example specifically related to UNR. Accordingly, Dr. O'Donohue questions: if he runs a practicum and has 7 students on his team – each student is seeing 3-4 clients per week – per these Regulations for tele-supervision, he would have to meet with them once to ensure they are ready for tele-supervision (although he is not sure that that determination/criteria is) then what? Dr. Paul confirms she did not comment on tele-supervision yet other than posing a question – but to clarify, Dr. O'Donohue has 7 practicum students and he would be the supervisor of record. Dr. Paul asked how many hours a week the students are working, wherein Dr. Benuto added that UNR has a team-based model (students see 2-3 clients per week if they are a primary team and if they are a secondary team they see 1 client). Dr. O'Donohue confirmed what Dr. Benuto said is true but clarifies someone else can be employed 20 hours per week on his team and they may see 12 clients a week (sometimes 1 or 2, sometimes 12). Dr. O'Donohue confirmed that none of the students are billing, so Dr. Paul advised that since they are not registered or billing, accordingly nothing would be done. Dr. Benuto said that it appears this only applies to Medicaid billing related students, which Dr. Paul confirmed. If Medicaid is not being billed, there is nothing to be done as the students are not registered.

Dr. O'Donohue then posed the question, what if he is billing Medicaid, then what would he do? Dr. Paul asks how many hours a week the students would be working. Dr. Benuto answers by stating as an average it would be total of 24 hours for 7 students. Then Dr. Paul asked about the students seeing 3 clients would generally be about 5 hours a week (as confirmed by Dr. O'Donohue at 5-7 hours a week, as needed) with about 65 hours per week under 1 person with about 30-35 clients under Dr. O'Donohue's care which would be considered maximum. Dr. Paul asked Dr. O'Donohue if the students get any one-on-one supervision time. Dr. Benuto explained the tiered system used by UNR (first chair, second chair model based on their developmental level), which allows students to see clients on their own when they are ready. Dr. Owens pointed out that essentially they can supervise up to 120 hours of work by students (which Dr. Benuto confirmed they are well under) and Dr. Owens believed it can be sliced however the supervisor wants as long as it does not exceed the 120 hours. Dr. Paul explained it can also be revised as needed (specifically the language "inclusive of not more than the equivalent of 4 psychological trainees at 10 hours per week"). The goal is to protect students and the public and ensure the necessary supervision being received is what matters. Dr. Benuto further described the UNR program model and that every student every week gets specific attention. Dr. Benuto does believe a high level of supervision is being obtained by the students. Dr. O'Donohue wanted to know what his specific commitment to each student weekly per this model. To which Dr. Paul confirmed, the model is based on the ASPPB Guidelines which is centric to individual centered supervision as the gold standard. The assumption may not be tested, but it is that there must be some level of one-on-one training by the supervisor of record to the supervisee. There is an argument for a requirement that there must be one-on-one, closed door, face-to-face training paid to each trainee. This clearly needs further discussion as it may not be fully defined, but this is the basis/model provided by the ASPPB.

Dr. Adams chimed in to add that he wants to ensure it applies to work his situation, too. He has 800 clients he is responsible for, but he does not have time to add 45 minutes to each patient. It is more of a triage situation. As a reminder, Dr. Adams is a psychologist over a juvenile detention center. He wants to review the model to ensure it is also applicable to his specific work situation. Most of his assessments are brief. Dr. Paul confirmed this is an important situation to further consider.

Dr. Owens is tasking Dr. O'Donohue and Dr. Benuto with reviewing Dr. Paul's language while comparing UNR's model and practices. Further, each Committee member should review Dr. Paul's language as proposed to see what changes, if any, may be helpful.

The other task Dr. Owens believes the Board should review is the 3-year requirement as Dr. Owens does not like it. She would like to get rid of that and move towards more of a competency-based requirement. Dr. Owens encourages

the Committee to review Dr. Benuto's proposal as submitted to remove the 3-year requirement.

Another thing Dr. Owens wants the Committee to start considering is master's level licensure. It is likely that within the next couple of years, the Board will start allowing master's level licensure which would require adoption of additional language in the Regulations. While the Committee is reviewing the Regulations regarding supervision, they should consider this type of master level licensure.

6. (For Possible Action) Discussion of Upcoming Meeting Dates for the Nevada Board of Psychological Examiners' Ad Hoc Committee to Consider Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

The Committee agreed that the next meeting would be held on July 26, 2023, at 9:00 a.m.

- 7. Public Comment** - Public comment is welcomed by the Committee and may be limited to three minutes per person at the discretion of the Committee Chair. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Committee Chair 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.

8. (For Possible Action) Adjournment

There being no further business before the Commission, Chair Owens adjourned the meeting at 10:02 a.m.