

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

October 11, 2024

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 Lorraine Benuto, PhD, at 8:02 a.m. on October 11, 2024, online via "Zoom" and physically at the office of the Board of Psychological Examiners, 3080 S. Durango Drive, Suite 102, Las Vegas, Nevada 89117.

Roll Call: Board President, Lorraine Benuto, Ph.D., members, Soseh Esmaeili, Psy.D.; Catherine Pearson, Ph.D.; Monique Abarca, LCSW; and Robert Moering, Psy.D. were present at roll call. Stephanie Holland, Psy.D. and Stephanie Woodard, Psy.D. were absent. There was a quorum of the Board members.

The Executive Director welcomed the newest Board member, Dr. Robert Moering. The Governor appointed Dr. Moering to the Board last week.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigators Dr. Sheila Young, and Dr. Whitney Owens; Executive Director Laura Arnold; Administrative Director Sarah Restori; members of the public: Lea Case, Donna Greifer, David Hines, Donald Hoier, Brian Lech, Mary Marcu, Claudi Mejia, Kevin Osten-Gardner, Tatsiana Razzhavaikina, Kelly Robertson, Kay See, and Jodi Thomas.

2. Public Comment. The Board wants to remind those who participate in public comment that you are limited to three minutes per person, and that public comment is reserved for comment only. It will not be used as a platform for questions and answers. If you have a statement that is longer than three minutes, please submit your statement in writing and the Board will include it in the written materials that are posted. If you have questions for which you would like answers, please email the Board office at nbop@govmail.state.nv.us.

DAG Ward wanted to remind any members of the public who may be here to comment on a pending complaint that our Deputy Attorney General has requested that no public comment be made on any pending complaints. The exception is if there is a hearing officer on the case.

There was no public comment.

3. (For Possible Action) Workshop to Solicit Comments on a Proposed Regulation (See Public Notice – 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 Benuto informed that during its September 13, 2024, meeting, the Board approved the proposed language that it had been working on for several months to revise NAC 641.136 to include Continuing Professional Development as satisfying some of Nevada’s Continuing Education requirements. After agreeing to some modifications to the proposed language, the Board took action to move the revised regulation to a regulation workshop for any public comment and to consider moving forward to a regulation hearing. The proposed regulation revision is now before the Board for that workshop.

Dr. Jodi Thomas requested to clean up the binary language in the draft. She wanted to clarify 2B, which says subject to the 15-hour total limitation stated in subsection 1. She wanted to know if she interprets that correctly meaning everything following 2B can be included both in distance learning and non-distance learning. Lastly, she appreciated the continuing education options to make things more accessible in the state. She expressed being concerned that providing uncompensated treatment to low income individuals, and would rather providers seek continuing education for how to meet the needs of low income individuals, because it would be unclear if the providers are they providing effective services.

Dr. Kevin Osten-Garner provided public comment. He requested that, as the Board expands continuing education requirements that are a financial burden on new graduates in particular, it consider keeping the level of credits the same or decrease the amount especially on early career psychologists.

Dr. Benuto recommended that if the credit hours psychologists are attaining are CPD credits and are face-to-face, they should be able to count toward those face-to-face credits. If they’re not face-to-face, they would not apply toward that and would be considered distant learning. Dr. Owens agreed with this.

Addressing non-binary language, the Executive Director had previously removed all binary language on drafts, and the LCB did not accept it and took it all out. She stated she will continue to submit non-binary language in hopes it will not be changed by LCB.

Dr. Benuto expressed agreement that providing uncompensated treatment to low income individuals does not have an educational component. Dr. Moering agreed that pro bono work should be encouraged, but should consider a way to tie in capturing the learning component of providing pro bono work. Dr. Owens agrees that continuing education credits should be based in learning.

Dr. Benuto said she does see a disconnect between providing pro bono services how it ties to professional development. She stated the question for the Board is whether the provision of pro bono services fits in alignment with the goals of continuing education.

Dr. Pearson suggested combining pro bono work for an individual for which you must receive supervision therefore you are learning and receiving education. Dr. Owens commented, stating its already written in the NAC that providers treating those outside of their specialty are to seek supervision in the areas of weakness. She states they would need to redefine what continuing education is if pro bono services are included.

This issue was tabled for the next meeting for further discussion.

Dr. Benuto closed the Regulations Workshop regarding the revisions to NAC 641.136

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' September 13, 2024, Meeting.

There were no comments or changes suggested for the minutes of the September 13, 2024, meeting.

On motion by Monique Abarca, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on September 13, 2024. Soseh Esmaeili and Robert Moering approved the minutes as to form, but not content. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

5. Financials

5A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2025 (July 1, 2024, through June 30, 2025).

The Executive Director presented the Treasurer's Report. She informed that as of September 30, 2024, the checking account balance was \$180,220.38, and is increasing as the Board office continues to process renewals, the fees for which will be allocated to the four 2025-2026 biennium quarters. The Board is in the first half of FY2025 and in the fourth 2023-2024 biennium quarter. For the first half of the fiscal year/fourth biennium quarter, the Board is currently operating on the \$80,730.33 in net deferred revenue that was distributed to the fourth biennium quarter from the 2023-2024 biennium renewals, and the approximately \$38,300 from the other deferred revenue distributions that were allocated to this 4th biennium quarter and first half of the new

fiscal year, those being late renewals, new licensures, and registrations. She stated that continuing to be notable during this final biennium quarter is the income from new licensures and registrations that comes in during this quarter, but is no longer considered deferred income due to its receipt during the fourth biennium quarter. The Board has received more than \$5,300.00, which is nearly 300% of what was projected.

She went on to share that the savings account balance, which is the Board's reserve account, was \$105,101.50. With the end of September ending the first quarter of FY2025, the Board is just under 22% of budgeted expenditures and a little over 40% of expected revenue.

The Board's bookkeeper, Michelle Fox, has verified and validated the information being provided in the Treasurer's report.

On motion by Soseh Esmaeili, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2025. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

5B. (For Possible Action) Discussion and Possible Action to Approve revisions to the Budget for Fiscal Year 2025 (July 1, 2024, through June 30, 2025).

The Executive Director presented revisions to the FY2025 Budget. She informed she made adjustments to the 4th Quarter income from new licensures and registrations, and the print-copy expense which was higher than budgeted due to renewal stickers.

On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved revisions to the Fiscal Year 2025 budget. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

6. Legislative/Regulation Update

The Executive Director shared regulation and legislation updates. She attended the Legislative Commission meeting in September and shared that the Board's three pending regulation revisions were officially approved. She has published those revisions on the Board's website.

She went on to share that she submitted the national exam regulation resurrection to the LCB for a regulation number and draft. The number for that regulation is R192-24, and she is still waiting for the LCB's draft so they can schedule a regulation hearing.

Lastly, she shared that she is monitoring about 100 Bill Draft Requests as they come in. She expects to receive more information on the BDR's she's monitoring closely as they get closer to the legislative session.

7. Board Needs and Operations

- a. Report from the Nevada Psychological Association.

There were no updates from the Nevada Psychological Association.

- b. Report From the Board Office on Operations.

The Administrative Director presented the Board's office statistic spreadsheet. She shared that in September, the Board licensed 8 new Psychologists, and had relatively high activity in licensure applications, Psychological assistant and Psychological Trainee applications, and state exams administered. As of October 7, the Board has 734 active licensees and 147 active applications for licensure. She went on to share that as for renewals, the Board office has received a total of 81 renewals under the categories noted under Renewals. As for those the Board registers, the psychological assistants, psychological interns, and psychological trainees, there are a total of 75 that are registered and 38 active applications.

The Executive Director provided updates on other Board projects. She shared that she will continue to work on the applicant and licensee data project she presented during the last meeting, as this will be an ongoing project. She shared that the Supervisor Handbook is on the agenda for approval. She shared that Dr. Holland, the Administrator Director and herself have been reviewing the State Exam over the past several months to ensure the content and questions remain current. They will present their review of that information when they've finished their review.

She went on to share that the Disciplinary Supervision project is still being developed. There is a list of 20 psychologists who expressed interest in providing disciplinary supervision. The next step is determining what training looks like for the disciplinary supervisors. She is working with the Board's investigators for this development.

The Executive Director shared that she's developed a comprehensive analysis for the ATEAM regarding hybrid residency programs and prior decisions related to the residency requirement. The analysis concerned various non-APA accredited programs, and how the ATEAM made decisions based on those programs.

She shared she is working on preparing a draft policy around AB244 now that R095-23 has been approved and filed.

Lastly, the Board is in its renewal period, and about ten percent of the licensees have renewed at this point.

Dr. Sheila Young informed that once they have a confirmed list of disciplinary supervisors, they will schedule a 1 hour continuing education with them. They will not charge them for this.

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

A. Complaint #19-0626

DAG Ward informed the hearing officer has submitted a preliminary hearing and scheduling order. The hearing is set for September 10th, 2025.

B. Complaint #23-0918

DAG Ward informed a formal complaint and notice of hearing has been served upon respondent. Respondents counsel has requested additional time to respond and the date for the response is close to the end of this month.

C. Complaint #24-0103

DAG Ward informed the hearing officer has submitted a preliminary hearing and scheduling order. The hearing is set for September 10th, 2025.

D. Complaint #24-0312(1)

DAG Ward informed this matter has been referred to the MFT Board and he is in the process of preparing a cease-and-desist letter. The New York and the California Boards will be copied on the cease-and-desist letter with the possibility of contacting the Department of Justice for wire fraud. This matter is still ongoing and hopes it will be resolved with a cease-and-desist order.

E. Complaint #24-0312(2)

DAG Ward informed he finalized the complaint and notice of hearing. A notice of hearing and a complaint will be filed shortly and should be send out in the mail by next week.

F. Complaint #24-0605

DAG Ward informed this complaint was received regarding misrepresentation of credentials and practicing without a license. The Board investigators have requested additional information from the complainant and are continuing to review additional information and the investigation is still ongoing.

G. Complaint #24-0607

DAG Ward informed this was a self-report from a licensee regarding two misdemeanor alleged convictions. DAG Ward informed he has been notified by the respondent's attorney that he may be withdrawing his plea of guilty in the misdemeanors and may be trying to negotiate a different plea and or take it to trail.

- H. Complaints #24-0711
 - #24-0719
 - #24-0726
 - #24-0823

DAG Ward informed these four complaints are against the same psychologist. All complaints have been forwarded to the respondent and they are awaiting his response. DAG Ward has been in touch with opposing counsel, and counsel hopefully will be responding by the end of the month in regard to all four complaints.

- I. Complaint #24-0730

DAG Ward informed a cease-and-desist letter has been sent out to the respondent and they are awaiting a response.

- J. Complaint #24-0822

DAG Ward informed the complaint was forwarded to respondent who provided a response. Based on the information in the complaint and response by the licensee, it was determined there was not sufficient basis for disciplinary action and will be recommending this be dismissed.

Dr. Owens informed that the complainant alleges several violations of assessment practices by the psychologist. They alleged that the respondent made clerical errors misdating the report and this misdating led to an inaccurate conclusion to the report findings. They further allege that the respondent misunderstood various information related to the assessment which they believe impact the findings of the assessment. They also allege the psychologist "cut and paste" various information into the report which would impact the results of the report. Lastly, they alleged the psychologist was more personal than professional and also alleges there was a personality conflict with the psychologist which they believe impacted the findings and recommendations of the assessment. The psychologist responded to the complaint and submitted a letter dated September 23, 2024, answering the allegations of the complaint. The psychologist admitted to minor documentation errors in the report and provided documentation and evidence to support the conclusions and diagnoses contained in the report. The complainant was dissatisfied with the conclusion of the psychologist's forensic assessment. She stated, while correct documentation is important, the documentation errors in the report do not rise to the level of discipline in this matter, specifically because they do not alter the information in the report or change the outcome of the diagnosis or recommendations of the report. Dr. Owens recommended this be dismissed as there are no indication of violations of the APA Code of Ethics nor the Nevada standards of practice described in NRS 641 and NAC 641.

DAG Ward shared that the report that Dr. Owens read into the record is public record. The actual written report is not public record, only what she has read into the record. If a public record request were made, the written report would not be included as it remains confidential.

On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved dismissing Complaint #24-0822. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

K. Complaint #24-0829

DAG Ward informed this was received and forwarded to an investigator for review. The investigator has requested documentation to support the allegations made by the complainant. The complainant has been forwarded and they are awaiting a response in this matter.

L. Complaint #24-0903

DAG Ward informed this was received and forwarded to an investigator for review. He is in the process of preparing a cease-and-desist letter for this matter.

M. Complaint #24-0924

DAG Ward informed this was received and forwarded to an investigator for review. The investigator has requested to prepare a cease-and-desist letter to the respondent. They are in the process of preparing that letter.

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: Amy Fox, Jennifer Blitz, Tyler Lennon, Allison Vreeland, John Fite, Jerry Chen, Linda Bortell, Mark Ingram, Rosy Chavez-Najera, Corinne Votaw, Kayli Wrenn, Ashley Colson, Jeffrey Aguiar, Kimberly Gray, Bradley Schuyler, and Andrew Leone.

On motion by Monique Abarca, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Amy Fox, Jennifer Blitz, Tyler Lennon, Allison Vreeland, John Fite, Jerry Chen, Linda Bortell, Mark Ingram, Rosy Chavez-Najera, Corinne Votaw, Kayli Wrenn, Ashley Colson, Jeffrey Aguiar, Kimberly Gray, Bradley Schuyler, and Andrew Leone. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

10. (For Possible Action) Discussion and Possible Action to Approve the Draft Audit Report for FY2024.

Ms. Kay See with Campbell Jones CPA reviewed the Draft Audit Report. She provided a brief outline of what the audit report includes. She reviewed the pages that contain the balance sheets which include the assets, liabilities, and deferred revenue. The balance sheet also includes the adjustments which are now required reporting. Pension related assets are required to be reported as well now. The balance sheet showed the net position of \$119,842. The next balance sheet detailed the expenses and the net program revenue which was a decrease of \$82,948. This is due to a new revenue method that was implemented this year which holds the licensee fees in reserve at the end of the fiscal year. Moving on, she shared the next part of the audit report is required by government standards of presentation for this type of office and detailed many pages of the reporting entity, the audit is being done under government accounting standards, and basis of presentation and so on. The next part reviewed the leases the Board office holds which is the Las Vegas Board office lease and the report showed how that will be amortized over the next five years.

Ms. See went on to describe the Pension which is the PERS retirement system and which is statutorily required. She stated the two staff who participate in PERS are on a matching rate which the Board contributes half of and the employee contributes half. The balance sheet showed the breakdown of those contributions and the pension analysis.

Lastly, she shared the final report, which is the Report on Internal Control. She stated they did not find much in this audit. They had one matter that they brought to the Executive Director, which they consider to be a material weakness. She stated this finding is very easy to fix. She stated the PERS money that is collected and sent to Nevada PERS are put into a liability account and then every month when that payment is made, that liability account should be relieved. The money was paid to PERS monthly, but the mechanical account was not showing as relieved. They will work with the bookkeeper and the Executive Director to fix this reporting.

The Executive Director informed she did not receive the draft audit report until just before she had to include it in the meeting materials, and therefore did not have time to fully review it. She stated she is also waiting for feedback from the bookkeeper, Michelle Fox. She requested the Board's approval of the draft audit report be subject to her further review of the report, the bookkeeper's feedback on the proposed finding, and the ability to make any adjustments or address any discrepancies with the auditors. The final report is due by December 1st to the LCB/Governor's office. Any substantive changes can be brought to the December meeting for retroactive approval.

On motion by Catherine Pearson, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Draft Audit Report for FY2024 subject to the Executive Director's full review upon receipt of the bookkeepers feedback and resolution of any discrepancies. (Yea: Lorraine Benuto, Monique Abarca, Soseh Esmaeili, Robert Moering, and Catherine Pearson.) Motion Carried: 5-0.

11. (For Possible Action) Discussion and Possible Action to Approve Proposed Supervisor Handbook for Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.

The Executive Director shared that during 2023 "Supervision Subcommittee" meetings, the subcommittee proposed creating a Supervisor Handbook that encompassed relevant provisions of NAC Chapter 641 including those in R002-24. Now that R002-24 has been adopted and is in effect, the Executive Director prepared a proposed handbook for the supervision of psychological assistants, interns, and trainees aligned with NAC 641.1506-641.168 and submitted the handbook to some of the subcommittee members for their review and comment, which has been incorporated. The handbook is before the Board for its review and approval.

Dr. Benuto suggested adding a clause that explains that this handbook is specific to *clinical* supervision as to not be confused with other types of supervision one may have or receive in the workplace. She also suggested adding a qualifier in the language that includes specifically stating the titles of the registered provider such as "supervisor of a *psychological assistant, psychological intern, or psychological trainee is required to...*", instead of just "a supervisor is required to...".

Dr. Owens shared that the purpose of the handbook is for supervisors to have something that is easily readable and understandable for supervisors. She recommended adding some additional language that clarifies the intent and purpose of the supervisor language and how some of the intentions came about. She stated she would take this on and present this at a future Board meeting if it's helpful.

This item was tabled for a future Board meeting so these suggestions can be added to the proposed supervisor handbook for further review.

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

The Executive Director recommended the Board start the December Board meeting at 10am to allow for travel time for any members travelling from Reno to Las Vegas that morning.

The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, December 6, 2024, beginning at 10:00 a.m., following which will be the annual strategic planning meeting. The location of the meeting is to be determined.

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

There were no requests for future agenda items.

14. Public Comment. The Board wants to remind those who participate in public comment that you are limited to three minutes per person, and that public comment is reserved for comment only. It will not be used as a platform for questions and answers. If you have a statement that is longer than three minutes, please submit your statement in writing and the Board will include it in the written materials that are posted. If you have questions for which you would like answers, please email the Board office at nbop@govmail.state.nv.us.

Dr. Benuto wanted to remind members of the public that our Deputy Attorney General has requested that no public comment be made on any pending complaints.

The Executive Director shared public comment from an email received from a member of the public. She stated this individual wanted to thank the Board for its diligent work on CPD's including teaching as an option to satisfy the CPD requirements.

15. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Benuto adjourned the meeting at 9:41 a.m.