

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

MEETING MINUTES

February 9, 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 Whitney Owens, Psy.D., at 8:01 a.m. on February 9, 2024, online via "Zoom" and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste. B-116, Reno, Nevada 89502.

Roll Call: Board President, Whitney Owens, Psy.D.; members, Lorraine Benuto, Ph.D.; Soseh Esmaeili, Ph.D.; Stephanie Holland, Psy.D.; Catherine Pearson, Ph.D., and Stephanie Woodard, Psy.D., were present at roll call. Monique Abarca, LCSW 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 Investigators Dr. Gary Lenkeit and Dr. Sheila Young; Executive Director Laura Arnold; members of the public: Dr. Shera Bradley, Dr. Lauren Chapple-Love, and Donald Hoier (private citizen).

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).

There was no public comment at this time.

3. (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number R051-23) Proposed for Adoption; Possible Action to Make Revisions to and/or Forward any/all the Proposed Regulation to the Legislative Counsel Bureau In Accordance with NRS Chapter 233B. (See Attached Public Notice for Information on the Draft Regulation)

Dr. Owens opened the Hearing to public comment on LCB File No. R051-23. There was no public comment presented at this time.

Dr. Owens shared that in response to the Governor's Executive Order 2023-003, the Board submitted a report to his office that details various Nevada Administrative Code Provisions in Chapter 641 that can be revised or removed to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. In its report, the Board identified all of NAC Chapter 641's regulations that reference Behavior Analysts, which the Board no longer governs. The Board addressed which of those regulations were appropriate to be repealed and those that required revisions in order to remove from NAC Chapter 641 all language that references Behavior Analysts.

The Board held its workshop on those revisions on May 12, 2023, after which the Board office submitted its draft of the revisions to the Legislative Counsel Bureau and requested an LCB draft and file number. The LCB having prepared its draft and assigned file number R051-23 to that draft, it is now before this Board for a hearing, notice of which has been timely provided and this agenda item having been noticed for that purpose.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved adopting Legislative Counsel Bureau File Number R051-23 and forwarding the regulation to the LCB in accordance with NRS Chapter 233B. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeilj, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

Being that there was no public comment, President Dr. Owens closed the public hearing and reopened the regular meeting.

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' January 22, 2024, Meeting.

Dr. Owens commented on the improved format of the Meeting Minutes. There were no other comments or changes suggested for the minutes of the January 22, 2024, meeting.

On motion by Stephanie Holland, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved the minutes of the Board's

meeting on January 22, 2024. Catherine Pearson approved the minutes as to form, but not content. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) 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 January 31, 2024, the checking account balance was \$ 307,630.46. As of January 1, 2024, the Board was operating on the nearly \$161,500.00 in net revenue from the first and second biennium quarter deferred income distributions, and the nearly \$52,500.00 from other deferred revenue distributions such as late renewal fees, new licensures, and registrations that are allocated to the third biennium quarter (January – June 2024).

The savings account balance, which is the Board's reserve account, was \$105,073.59. With the end of January 2024 being a little more than the half-way point for FY 2024, the Board is 48% of budgeted expenditures and 95% of expected revenue – most of which is the deferred income allocated to this biennium quarter.

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

No questions or comments were presented by the Board.

On motion by Catherine Pearson, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved the Treasurer's Report for FY2024. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- B. (For Possible Action) Discussion and Possible Action to Approve payment of the PsyPact 2023 State Assessment Fee in the amount of \$1,170.

President Dr. Owens indicated that the Board office has received PsyPact's Assessment fee for 2023 in the total amount of \$1,170.00. That amount reflects 105 APIT Holders in the amount of \$1,050.00 and 12 TAP Holders in the amount of \$120.00. The invoice is due to be paid by April 18, 2024.

As the PsyPact Commissioner for Nevada, Dr. Lenkeit shared comment on the PsyPact State Assessment Fee. He shared that there is a question as to why the state pays the fee rather than the authorization holders. He shared that in some states, the authorization holders are being charged and there has been some discussion about having states not having an Assessment Fee.

There were no further questions or comments presented by the Board.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved payment of PsyPact's Assessment for 2023 in the total amount of \$1,170.00. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- C. (For Possible Action) Discussion and Possible Action to designate board members and/or staff to attend Association of State and Provincial Psychology Boards (ASPPB) mid-year meeting, April 25-28, 2024, in Boston, Massachusetts in a combined total expenditure of not more than \$3,700.00.

Dr. Owens informed that the ASPPB mid-year meeting will be held on April 25-28, 2024, in Boston, Massachusetts. The Board has \$3,700 remaining in its out-of-state travel budget for FY 2024; however, the combined total expenditure for two selected Board members and/or Board staff is not expected to reach or exceed that amount. Dr. Owens shared she will be attending the mid-year meeting as the Chair of another Board and that Board will be funding her travel. The NBOPE Board is requesting to use the funds to send two NBOPE Board members to the mid-year meeting.

There were no questions from the Board regarding the allocation of funds.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada Board of Psychological Examiners approved the allocation of funds in an amount up to \$3,700 for two Board members or staff to attend the Association of State and Provincial Psychology Boards (ASPPB) mid-year meeting, April 25-28, 2024, in Boston, Massachusetts. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- D. (For Possible Action) Discussion and Possible Action to Approve:

The Executive Director presented several items regarding changes that need to be made to the Board's checking and savings accounts. The first item is adding Administrative Director Sarah Restori to be an authorized signatory on the Board's Bank of America checking and savings accounts. The second item is adding Executive Director Laura M. Arnold to be an authorized signatory on the Board's Bank of America savings account. The third item is removing former Board member John Krogh and former Executive Director Lisa Scurry as signatories on the Board's Bank of America checking and savings accounts.

Executive Director Arnold shared that prior to providing the new Administrative Director access to the Board's checking and savings accounts, the bank requires approval by the board as evidenced by board minutes. She further shared that despite the Board approving her being a signatory on the Board's checking and savings accounts during its February 10, 2023, meeting, the Board's bank ultimately only made her a signatory on the checking account. After again meeting with a bank representative, Executive Director Arnold was informed that the bank had only given her the documentation for being a signatory on the checking account and did not include the savings account paperwork, and recommended again bringing a request before the board to authorize her as a signatory on the savings account to obtain the proper paperwork from the bank.

The Executive Director went on to share that the representative from Bank of America with whom she spoke stated that the Board would need to take action to remove former executive director Lisa Scurry and former Board Member John Krogh as signatories on the Board's checking and savings accounts. Dr. Owens, the new Administrative Director, and the Executive Director have plans to meet with the Board's Bank in Las Vegas when the Board office is physically moved to its new location to effect what the board approves during this meeting.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada Board of Psychological Examiners approved adding Administrative Director Sarah Restori as a signatory on the Board's checking and savings accounts, adding Executive Director Laura M. Arnold as a signatory on the Board's savings account, and removing former Executive Director Lisa Scurry and former Board member John Krogh as signatories on the Board's checking and savings accounts. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

6. Legislative Update

(For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, of the Nevada Legislature, the Legislative Counsel Bureau, 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.

Executive Director Arnold shared the following Legislative Updates. She informed that on the regulations front, they are making progress on the various revisions the Board is seeking to make to its regulations. Today they had the hearing on R051-23, which is the Board's response to Executive Order 2023-003. The Joint Interim Standing Committee on Health and Humans Services will be hearing this R051-23 on February 16, 2024, and the Executive Director informed she will be available during that hearing for any questions they may have.

The Executive Director went on to share that at the Board's March 8, 2024, meeting, it will have a hearing on R095-23, which was the response to AB244, and the notice for which has been posted. And, the Board's proposed revisions to some of its supervision provisions and the definition of Psychometrist has been assigned a LCB file number (R002-24), and they are waiting for a draft so that they can notice those revisions for a hearing. She shared that the LCB is currently working to get all of the 13 revisions codified into publicly available version of the NAC and this is on her radar to monitor.

7. Board Needs and Operations

A. Report from the Nevada Psychological Association.

Dr. Chapple-Love provided an update on NPA to include they are moving forward on finalizing their slate for the next year, getting started with APA council items, and finalizing which individuals NPA will be reaching out to to ask for more support for psychologists.

B. Report From the Executive Director on Board Office Operations.

Executive Director Arnold presented the Board's office statistic spreadsheet. She said the Board did not license anyone in January, which likely reflects the slow down in licensure requirement fulfillment during the holidays, such as the State Exams that were administered. The Board office received four applications for licensure in January, and if the beginning of February is any indication, the Board office's receipt of licensure applications will be coming back up to speed.

Applications for Psychological Interns and Psychological Trainees picked up, as did the applications for Non-Registered Consultants and Continuing Education programs.

At the end of January, the board had 694 active licensees and 100 active licensee applications. As for those the Board registers – the psychological assistants, psychological interns, and psychological trainees – there are a total of 80 that are registered and 28 active applications, the breakdown of those being provided under Current Applications and Registrations.

The Executive Director went on to provide an update to the Board on the move to Las Vegas. She shared that they have secured a location in Summerlin and plan to physically move the board office into the space on March 1, 2024, after which Board operations will be conducted from there. The Executive Director will be giving notice to the management office at the current location in Reno to vacate that location no later than March 20. Because the regulations hearing notice for March 8, 2024 had to be posted by February 6, 2024, she had to notice the physical location for the March 8, 2024, meeting to take place at the current Board office in Reno, and that will be the last Board meeting that will be noticed for that location.

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

A. Complaint #19-0626

DAG Ward informed he is still expecting to have a hearing in this matter, and this matter has not yet been resolved.

B. Complaint #22-0930

DAG Ward informed he believes he has a signed consent decree that has been sent to all Board members to not discuss this complaint until it is discussed at today's Board meeting. DAG Ward provided the following background on this Complaint. On or about July 4th 2022, formal complaints were filed against the respondent. It is alleged the complainant retained respondent for couples therapy. A consent for joint therapy was signed by both parties. The Board investigation revealed the following: the complainants initially sought couples counseling. The sessions were later terminated with the first complainant then becoming the patient of the psychologist. Such an arrangement constitutes multiple relationship between the psychologist and the complainants. Specifically, the first complainant became an individual client of the psychologist after being a client in couples counseling with the psychologist. The second complainant became a collateral to the first complainant's treatment following termination of the couples counseling. It is alleged that the multiple relationships in this situation constitute violation of the American Psychological Association Code of Ethics and Guidelines 3.05 and 10.02. Specifically, Guideline 10.02 outlines the necessity of the psychologist to be very clear regarding the relationship between family members during any family treatment. The respondent is still willing to resolve this matter that is

stipulated in the joint stipulation decree. The psychologist has completed some CE units which were recommended by the Investigator, and these have been completed to resolve this matter. DAG Ward added that when we do enter a Stipulated Consent Agreement, it does become part of the record.

Dr. Holland asked if the respondent has to pay for the Board's time or the Investigator's time as part of the stipulation. DAG Ward informed in this matter, there was no reimbursement.

Dr. Woodard asked if this was agreed to voluntarily and what, if any, conditions does this put on the psychologist moving forward. DAG Ward informed the respondent fully accepted the recommendations and has already taken the classes. Dr. Lenkeit added that the respondent suggested getting a supervisor that works with her, but she could not find a supervisor, so they settled on completing the class.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved the Stipulated Consent Agreement in Complaint #22-0930. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

C. Complaint #23-0303

Dr. Lenkeit informed he has a report to share regarding this complaint. He started by sharing that the complainant is alleging that a biofeedback practitioner is impersonating a psychologist, and not observing the appropriate boundaries concerning diagnosing and treating members of the public. The complaint team reviewed the allegations and the practitioner's website. It was decided that since the practitioner practices in northern Nevada, Dr. Shiela Young would meet with them at their office to get a better understanding of their practice. Dr. Lenkeit went on to share that Dr. Young met with the Respondent in a lengthy interview and demonstration of programs used. The Respondent has been practicing EEG biofeedback for over 20 years and the Respondent demonstrated an understanding of their role, describing themselves as being a tiny part of the treatment team, taking referrals from mental health providers. Typically, they receive a formal request that includes diagnosis and symptoms to address from referring providers. If clients come without a formal referral, a release of information is obtained and records are requested from the other providers. The Respondent was mentored, obtaining training from other providers in the community, and has taken certification programs that allow them to purchase the biofeedback equipment. They also attend annual conferences to remain current in skills. They were a Medicaid provider of the services for five years. They have a licensed mental health professional with whom they consult as needed whose office is approximately a block away from the biofeedback office.

Dr. Lenkeit went on to share that the practice of biofeedback is not exclusive to licensed psychologists in Nevada. The respondent described their work as “operant conditioning,” which is accurate. This practice does not fall under the Nevada statute for the practice of Behavior Analysis, as this law specifically addresses the provision of treatment for persons with autism. Dr. Lenkeit further stated that the Respondent does not appear to be practicing psychology, or behavior analysis, without a license. They are not diagnosing mental health conditions and they exhibited an understanding of appropriate boundaries and scope of practice for biofeedback.

Concluding his report, Dr. Lenkeit shared that the Respondent does not appear to have violated any of the applicable statutes and regulations regarding the practice of psychology. Therefore, it is recommended that this complaint is dismissed.

There were no further questions or comments regarding this complaint.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners dismissed Complaint #23-0303. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

D. Complaint #23-0612

DAG Ward informed he will be addressing Complaint D, E, F and G. The investigators Dr. Lenkeit, Dr. Young, and Executive Director Arnold discussed these complaints this previous week. On some of these, they have been doing follow-up letters for those that are alleged to be doing unlicensed practice that they have noticed language that pertains to psychology work. On another complaint, they were referring this to the Marriage and Family License Board. In another complaint, another state may be doing an investigation in the matter, so they are waiting for that to be completed first.

E. Complaint #23-0801

F. Complaint #23-0905

G. Complaint #23-0918

H. Complaint #24-0104

Dr. Young informed she has a report to share regarding this complaint. She shared that the complainant comes to the Board with a question about the ethics of an ad placed on a social media platform for a psychological testing assistant. This individual is new

to Nevada, is a mental health professional, and questioned hiring bachelor level individuals to administered psychological tests. Dr. Young went on to share that NAC 641.168 outlines the supervision requirements and responsibilities, for both training and oversight of quality of administration and scoring, for psychologists who hire assistants to perform this functioning in their practice. The code states "3. The supervising psychologist is responsible at all times for the actions of personnel who administer, score and interpret such psychological tests." The Psychologist was asked to respond to the questions and provide the Board assurance that they intend to follow the law on this matter and understand that they are responsible for such individuals training and work products. The Psychologist has taken down the social media post to "avoid further confusion".

Concluding her report, Dr. Young shared that the psychologist indicates an intention to follow the NAC requirements. The psychologist agrees that the social media posting intent was to recruit, and that more specific job qualifications would be discussed after reviewing resumes and completing interviews. The psychologist did not violate NAC in recruiting persons with bachelor's degrees to work as testing assistants. This is allowable based on NAC 641.168. Dr. Young shared that it is her recommendation to dismiss this complaint.

There were no further questions or comments regarding this complaint.

On motion by Soseh Esmaeili, second by Catherine Pearson, the Nevada Board of Psychological Examiners dismissed Complaint #24-0104. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

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: Rachel Bangit, Traci Jordan, Ryan Sever, James Maltzahn, Deborah Johnson, and Kayla Kaiser.

On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Rachel Bangit, Traci Jordan, Ryan Sever, James Maltzahn, Deborah Johnson, and

Kayla Kaiser. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

- A. (For Possible Action) Discussion and Possible Action on Dr. Desiree Misanko's request to extend her registration as a Psychological Assistant.

President Dr. Owens stated that Dr. Desiree Misanko is currently registered with the Board as a Psychological Assistant, and has been registered as such since February 2021. Dr. Misanko has requested to extend her registration for an additional year. She has explained that she has had to delay taking her exams, which she intended to do in 2023, due to a serious family health issue that required her constant and ongoing attention, and then because of a surgery she had to undergo – all of which were unforeseen circumstances. Dr. Misanko requests the additional time so that she can focus on studying for the exams without the stress of her impending registration expiration. Because an additional extension would result in Dr. Misanko being registered for more than three years, NAC 641.151 requires that the Board approve Dr. Misanko's request. Additionally, Dr. Misanko is also enrolled in the PsychPrep Program to prepare for testing for the next few months.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners approved Dr. Desiree Misanko's request to extend her registration as a Psychological Assistant for an additional year. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Dr. Soseh Esmaeili abstained from the vote. Motion Carried: 5-0.

- B. (For Possible Action) Discussion and Possible Action on Dr. Jacquelyn Johnson's application to reinstate her license.

President Dr. Owens stated that Dr. Jacquelyn Johnson (PY0728) has applied to reinstate her license. She was licensed in July 2014, and her license was last active December 31, 2022. Dr. Johnson did not renew her license during the last renewal period.

Dr. Johnson is currently licensed (active) in California, and states that she intends to expand her virtual practice services to Black women and other women of color across the state. According to her application, Dr. Johnson completed a total of 32.5 continuing education credits between May and December 2023. 16.5 of those CE credits were Live/face-to-face, 6 were in ethics, 2 were in suicide prevention and awareness, and 11 were in cultural competency and diversity, equity, and inclusion.

The Continuing Education certificates included with the application support Dr. Johnson's accounting of the credits she completed.

Dr. Johnson is prepared to pay the fees required to reinstate her license.

On motion by Catherine Pearson, second by Soseh Esmaeili, the Nevada Board of Psychological Examiners approved Dr. Jaquelyn Johnson's application to reinstate her license. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

10. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board's Disciplinary and Complaints Policy.

Executive Director Arnold stated she made revisions to the Complaints and Discipline policy to:

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

The Executive Director informed that during the November 3, 2023, meeting, there was a question in reference to proposed appendix C, as to whether there is a list of disciplinary supervisors. Dr. Young has stated that there is not a list of disciplinary supervisors, explaining that the Board should have a trained cohort of psychologists willing to serve in that role.

The Board was not able to consider the proposed changes during the scheduled January 12, 2024, meeting because that meeting had to be cancelled due to inclement weather that closed Northern Nevada's state offices, and the January 22, 2024, Board meeting was an abbreviated meeting for specific purposes.

Dr. Lenkeit informed that many of the revisions were cleaning up language and better organization.

President Dr. Owens wanted to make sure there was a clear understanding of timeline with regards to filing and responding to complaints within this document and that any big changes are tracked or highlighted so they can be discussed with the Board.

This Agenda item was tabled for March.

11. (For Possible Action) Discussion and Possible Action on proposed revisions to the Board's Employment, Compensation, and Review Policy and its Staff Performance Evaluation Procedure.

Executive Director Arnold made various proposed revisions to the Board's current Employment, Compensation, and Review Policy, which previously focused primarily on the executive director. The proposed revisions primarily focus on:

- adding the Board's employment of Board Investigators consistent with how the Board has done so and referencing the Board Investigators' duties and responsibilities as stated in the Board's Complaints and Disciplinary Policy, and
- adding the executive director's employment of Board Office staff, which would include the Administrative Director role, and to add the Administrative Director's salary.

Executive Director went on to state that with the Board's adoption of its separate Staff Performance Evaluation Procedure after it had adopted its Employment, Compensation, and Review Policy, the review section of the Employment, Compensation, and Review policy is revised to delete the Evaluation of Performance section and adding review provisions that refer to the Board's Staff Performance Evaluation procedure.

Other revisions to the Employment, Compensation, and Review Policy cleans up some of its language for better readability, to eliminate duplicate or unnecessary provisions and language, and to ensure accuracy (such as the executive director's salary in relation to current PERS rates).

Consistent with the changes made to Employment, Compensation, and Review Policy, the Executive Director also revised the Board's Staff Performance Evaluation Procedure to add Board investigators and Board office staff to the definition of "Staff member," to add a performance evaluation review process for Board Investigators, to include reference to the Board's Employment, Compensation, and Review Policy, and to otherwise made adjustments in how some of the provisions are written.

There were no questions from the Board.

On motion by Stephanie Holland, second by Stephanie Woodard, the Nevada Board of Psychological Examiners approved the revisions to its Employment, Compensation, and Review Policy and its Staff Performance Evaluation Procedure. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

12. (For Possible Action) Discussion and Possible Action to Approve beginning the process of revising NAC 641.019 to increase biennial renewal fees from \$600 to \$650.

Executive Director Arnold presented the Board's new licensees graph. She informed that during its January 22, 2024, the Board approved creating an Administrative Director role for the Board office and to move the Board office to Las Vegas. The information that she created and presented was contained in the visual representations of the Board's current financial position as it relates to the newly-created position and Board office move, and the benefit to the Board office if the Board would consider raising its biennial renewal fees from \$600 to \$650. In the context of the request before the Board during the January 22, 2024, meeting, she explained that the additional projected revenue from the projected renewals plus a small biennial fee increase would absorb the cost of the new role, and the board's ongoing income would help the Board office be able to develop its operations to handle the increasing demand on the Board office.

Executive Director went on to state that in order to continue the conversation regarding Nevada's biennial fees, it is included it as an agenda item for this meeting to gauge the Board's appetite for a small renewal fee increase and any public comment there may be. In anticipation of a discussion around raising biennial fees, some factors to consider in addition to developing an efficient and effective Board office are:

- The Nevada legislature allows this Board to charge and collect up to \$850 in biennial renewal fees (NRS. 641.228).
- When the Board last discussed raising its renewal fees in 2019 and then raised them from \$500 to \$600, it referenced, among other things:
 - o the Board's interest in providing the service required to the licensees and the public, and in continuing to meet the requirements of the state;
 - o the costs of Board office operations;
 - o states with renewal fees equal to or higher than Nevada's;

- that some states with lower fees (i.e. Utah and Colorado) were under an umbrella Board, which can undermine the independence of the profession; and
 - enabling the Board to evaluate the needs and increase as necessary over the next 20 years as it relates to what the fees that NRS 641.228 permit.
- This proposed renewal increase is incremental and is being raised going on five years into the 20 year concept.
 - The costs to the Board office to run – utilities, online and software service fees, state-provided service fees (IT services related to phone and email and those provided by the Attorney General) – increase from fiscal year to fiscal year, not to mention that PERS has increased an additional 4% from last fiscal year – that increase resulting in a 2% decrease in the Executive Directors’ net pay.
 - There are a number of other states that charge about the same as and more than Nevada for their renewal fees, as follows:
 - Alaska and Arizona - \$500 (biennial)
 - California - \$825 (biennial)
 - Connecticut - \$570 (annual)
 - Montana - \$600 (annual)
 - Oklahoma - \$400 (annual)
 - Oregon - \$600 (biennial)
 - Texas - \$424 (annual)

As the Board noted in 2019, states that charge lower renewal fees may be under the auspices of an umbrella board. In the Executive Director’s research, she noted that many have differences in the levels of licensing they provide. Nevada is an independent Board and offers a single professional license.

Dr. Lenkeit questioned what the rate percentage increase has been from 1993 to now for license renewals. This information was not known.

Dr. Pearson wondered if the increase in the fees would also impact the shortage of mental health professionals in the state. President Dr. Owens informed this concern was also present in 2019 during the last time the rates were increased. Dr. Owens went on to state despite this, the number of new licensees has continued to grow in the state and doesn’t appear to have been a barrier. Dr. Pearson added that she understands how the increase in fees is needed to support the Board office and its operations.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada Board of Psychological Examiners approved moving forward with revising its regulations to increase its biennial renewal fees from \$600 to \$650. (Yeas: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

13. (For Possible Action) Discussion and Possible Action on an announcement of the upcoming vacancy on the Board.

President Dr. Owens informed she time on the Board will be ending in June and there will be a vacancy on the Board. Executive Director Arnold will be getting information out so individuals can know how to apply for a position. Executive Director stated this particular vacancy will be for a psychologist with 5 or more years of experience.

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

The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, March 8, 2024, beginning at 8:00 a.m.

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

No agenda items were requested at this time.

16. 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)

Donald Hoier informed he had a couple of questions he would like to present to the Board. President Dr. Owens informed Mr. Hoier that his questions may not be answered during this meeting, but they will be noted and either responded to by the Board's Executive Director at a later time or answered by Dr. Owens if she is able. Mr. Hoier wanted to know per the Board's Discipline and Investigations Policy, is it current practice that the Board Investigator and the Board Counsel to recommend that cases go

to hearing. Executive Director Arnold informed that the answer to that is “yes”. She explained that they all collaborate, and it has never been a unilateral decision by the Board Investigators.

Next, Mr. Hoier asked President Dr. Owens if, as President of the Board, does she have an expectation of the investigative arm of the Board to follow the Discipline Policy and not deviate from it in any way. President Dr. Owens informed it is the Board’s goal to follow their policies to the best of their ability.

Mr. Hoier then wanted to know why the Board has failed to bring Complaint #19-0626 to hearing. Dr. Owens informed the response to this would require a lengthier response by the Board’s attorney. Mr. Hoier stated the Board’s attorney came before the Board in December stating he would have a hearing officer name and contract in January and we are past that, knowing back in May of 2021 it would need to go to hearing.

In his last question, Mr. Hoier wanted to know why policy making functions are being delegated to non-policy makers. Dr. Owens informed she was confused by the question. Mr. Hoier stated the Board consists of members that are appointed by the Governor’s office. He stated Board investigators, Board council, Executive Director, etc., are not policy makers. He went on to state that there have been 3 or 4 times during this meeting and a number of other meetings, that non-policy makers are being delegated policy making functions and are being allowed to chime in and discuss matters that aren’t open to the general public to be a part of that conversation or only allowed 3 minutes before and after each meeting. President Dr. Owens informed she was confused by his question by he will have Executive Director Arnold write that out and get that to him in a response.

There was no public comment in the Board office.

17. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Owens adjourned the meeting at 9:43 a.m.