

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

May 10, 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 8:07 a.m. on May 10, 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, Whitney Owens, Psy.D.; members, Monique Abarca, LCSW; Lorraine Benuto, Ph.D.; and Stephanie Woodard, Psy.D. were present at roll call. Soseh Esmaeili, Ph.D., Stephanie Holland, Psy.D., and Catherine Pearson, Ph.D., were absent. Despite the three-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; Administrative Director Sarah Restori; members of the public: Becky Anne Savio and Donald Hoier.

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.

There was no public comment at this time.

3. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' April 12, 2024, Meeting

There were no comments or changes suggested for the minutes of the April 12, 2024, meeting.

On motion by Lorraine Benuto, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the meeting minutes of the

Regular Meeting of the Board held on April 12, 2024. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

4. Financials

- (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 April 30, 2024, the checking account balance was \$249,986.60. The Board continues to operate on the \$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 renewals, 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 \$105,083.92. With the end of April 2024 being 5/6 of the way through FY 2024, the Board is just about 77.5% of budgeted expenditures and almost 100% of revenue.

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 Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2024. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

5. 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.

The Executive Director shared the following Legislative updates. She informed that R051-23, which is the Board's response to Executive Order 2023-23 and is the Board's effort to remove references to Behavior Analysts, which it no longer governs, was

included in the Legislative Commission's April 18, 2024, meeting. The Executive Director was available during that meeting in the event the Commission had any questions about it, which it did not. During that meeting, R051-23 was summarily approved, and it has now been loaded to the Board's website as among the NAC Chapter 641 revisions.

Moving on to R095-23, which is the Board's efforts to respond to AB244, the Board had a hearing on that draft during its March and April meetings, and after hearing input from members of the public on the regulation, made a determination on the language to re-submit to the Legislative Counsel Bureau. On May 1, 2024, after a bit of dialog with the Legislative Counsel Bureau on a follow up question they had, the Legislative Counsel Bureau has forwarded its revised R095-23 draft, which has been noticed for a hearing during the Board's June 7, 2024, meeting.

R002-24, which is primarily the Board's proposed revisions to its supervision regulations, the Board had a hearing on that draft during its April meeting, and thereafter forwarded the Legislative Counsel Bureau with its revisions to the draft that the LCB provided. The Executive Director shared that she met with representatives of the LCB on April 22, 2024, in reference to questions they had on the Board's revisions, and Dr. Owens followed up via email with additional explanations and answers for the LCB's questions. The LCB's revisions have been received and are noticed for the hearing during the Board's June 7, 2024, Meeting.

R084-24 is the Board's revision to the regulation that provides for fees to provide for a small increase in the biennial renewal and reinstatement fee from \$600 to \$650. The Board conducted a workshop on that revision during its April meeting, and thereafter sent a request to the LCB for a draft and file number. The LCB provided its draft and assigned the draft number on May 3, 2024. R084-24 has been noticed for a hearing during the Board's June 7, 2024, meeting.

The Executive Director said she inquired with the LCB last week regarding the status of incorporating and codifying the numerous regulation revisions that have been approved and adopted since 2017 so that the version of NAC Chapter 641 that is publicly available is more up to date (the current version predating 2017). The LCB advises that the updated version of NAC Chapter 641 with the revisions that had been approved when they began their reconciliation (which was in January) will be available for the Board's review the week of May 6. She shared that she is not yet in receipt of that reconciled version of NAC Chapter 641.

6. Board Needs and Operations

A. Report from the Nevada Psychological Association.

There was no report from NPA.

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

The Executive Director presented the Board's office statistic spreadsheet. She informed that the Board licensed 6 new Psychologists in April and received 16 applications for licensure, making April the busiest month of the fiscal year so far for applications. They received 2 applications for Psychological Intern registration, and registered 1 Psychological Assistant and 1 Psychological Trainee. At the end of April, the Board had 709 active licensees and 121 active applications.

She went on to share that for those the Board registers – the psychological assistants, psychological interns, and psychological trainees – there are a total of 75 that are registered and 27 active applications, the breakdown of those being provided under Current Applications and Registrations.

The Administrative Director, Ms. Restori, informed that things are still running smoothly at the new location. She shared that she's had more applicants drop by the Board office to turn in application forms or ask questions, showing moving the Board office to a more accessible location is a definite plus. She informed she is currently enrolled in several state agency training programs that pertain to some of the administrative business the board conducts, such as their monthly and quarterly reporting procedures.

There were no further updates.

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

A. Complaint #19-0626

DAG Ward informed that the Board approved a contract for a hearing officer not to exceed \$10,000; DAG Ward and opposing counsel continue to look for a hearing officer. DAG Ward informed they are still going back and forth on choosing a hearing officer.

B. Complaint #23-0612

DAG Ward shared that the follow up cease and desist letter sent to respondent; response from respondent confirming all problematic language removed; DAG Ward to confirm that respondent needs to provide documents confirming removal of language.

C. Complaint #23-0801

DAG Ward informed that Dr. Young continues to monitor the respondent's various social media and websites.

D. Complaint #23-0905

DAG Ward informed that a Cease and Desist letter was sent to respondent. Executive Director has advised complainant and respondent that the cease and desist letter and basis for complaint was forwarded to the MFT Board. Dr. Lenkeit informed he completed their investigation and recommended closing the case. DAG Ward informed no action needs to be taken and they will close this and remove it from the agenda.

E. Complaint #23-0918

DAG Ward prepared and forwarded draft complaint and requested additional factual information from investigators; DAG Ward to prepare finalized draft upon receipt of same. He will be issuing a complaint in this matter and hopes in the next week they will have something to file with the Board and serve to opposing council.

F. Complaint #24-0103

DAG Ward informed the response to complaint received; Board approved contract for a hearing officer not to exceed \$10,000. DAG Ward and opposing counsel continue to look for a hearing officer.

G. Complaint #24-0312(1)

DAG Ward informed this was referred from MFT Board; complaint and summary information forwarded to Dr. Lenkeit. It is under investigation for probable cease and desist letter and recommendation to forward information to the NY and CA Boards, as well as possibly to the Dept. of Justice. Dr. Lenkeit informed this person is practicing without a license and it his recommendation to issue a cease and desist letter, send this case along with the cease and desist letter to the NY and CA Boards, and also refer this to the Department of Justice for investigation of wire fraud.

H. Complaint #24-0312(2)

DAG Ward informed timely response to complaint received and forwarded to Dr. Young. Violations warrant formal complaint, a draft of which DAG Ward expects to have by June 7, 2024, meeting. The 90 day deadline is July 31, 2024.

I. Complaint #24-0313

DAG Ward informed the response to complaint received. Dr. Lenkeit's investigation is ongoing – needs additional factual information. The 90-day deadline is June 14, 2024.

J. Complaint #24-0501

DAG Ward informed that the complaint was forwarded to Dr. Young. Dr. Young considering complainant's standing to bring complaint; information forwarded to Dr. Young regarding CA license revocation as reported to NV board. Executive Director to request release of records from correct client and to advise that CA license revocation was properly reported to NV Board.

8. (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: Lee Underwood, Michelle Haines, Elisa Youngblood, Eric Rosmith, Elizabeth Dimovski-Jackson, Alicia Tolerico, David Tatera, Onyinyechi Anukem, Micol Levi-Minzi, and Bethany Walters.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Lee Underwood, Michelle Haines, Elisa Youngblood, Eric Rosmith, Elizabeth Dimovski-Jackson, Alicia Tolerico, David Tatera, Onyinyechi Anukem, Micol Levi-Minzi, and Bethany Walters. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

- **(For Possible Action) Discussion and Possible Action on the ATEAM's recommendation to approve Bianca Reaves application to register as a Psychological Trainee.**

Dr. Owens shared that Bianca Reaves has applied to register as a Psychological Trainee. She is currently pursuing her Ph.D. in psychology at Walden University. Ms. Reaves' application was reviewed by the ATEAM committee during its April 12, 2024, meeting. Based on the ATEAM's review of Ms. Reaves' transcripts, the applicant and training verification form from her director of clinical training, and other information in her application file, the ATEAM recommended that Ms. Reaves' application to register as a psychological trainee be approved. The ATEAM also stated that because Ms. Reaves is still pursuing her degree, its recommendation for approval does not extend beyond registration as a psychological trainee, as she would be required to satisfy the requirements for pre- and post-doctoral supervised training and licensure moving forward.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved Bianca Reaves' application to register as a Psychological Trainee. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

9. (For Possible Action) Discussion and Possible Action to:

- **Provide the Board's Application Tracking Equivalency and Mobility (ATEAM) Committee with the Authority to Approve Applicants it Reviews, and**
- **Approve Revisions to the ATEAM policy.**

The Executive Director reviewed the ATEAM process. She informed that under current practice, the Board's ATEAM reviews applications for equivalency and either recommends approval to the Board (with or without contingencies), or denies the application (subject to appeal to the Board).

She went on to share that during the April 12, 2024, Board meeting, the Board inquired about the propriety of having the ATEAM recommend application approval to the Board as opposed to the ATEAM having the authority to simply approve applications, with or without contingencies, and avoid what seemed to be an unnecessary second step. Upon confirmation from Board counsel that the Board had the authority to vest the ATEAM with the authority to approve applications rather than recommending approval to the Board, that revision to the Board's ATEAM Policy is before the Board for approval. Those changes are indicated in Section II (pages 3 and 4) and Section III(c) (page 5).

In making that revision to the Policy, she reviewed the ATEAM Policy in reference to the ATEAM's practices, and proposed some additional revisions including offering more active, and less passive, language, ensure consistency in how the Policy refers to applicants and those who are registered and align with practice or suggested adjustments in practice for efficiency.

Dr. Owens and Dr. Woodard expressed their gratitude towards the work the Executive Director put in with regards to the ATEAM policy and procedures.

On motion by Monique Abarca, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the ATEAM's authority the ability to grant the applicants it reviews, and the proposed revisions to the ATEAM policy. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

10. (For Possible Action) Discussion and Possible Action to Approve revisions to the Board's Policies and Procedures for Psychological Assistant, Psychological Intern, and Psychological Trainee Application and Registration.

The Executive Director informed that revisions in the three registration policies are the same that she reviewed during the April meeting, except she also made sure that they referenced the ATEAM's now approved authority to approve applications (as opposed to recommending approval to the Board).

She informed she intends to re-review these policies once R002-24 is approved, as there will be some changes in reference to, for example, supervisor qualifications. At that time, they can also move forward in creating the supervisor handbook, which the Board previously approved her being able to do, to align with the R002-24 and the updated policies.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the revisions to the Board's policies and procedures for Psychological Assistant, Psychological Intern, and Psychological Trainee application and registration. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

11. (For Possible Action) Discussion and Possible Action to Approve Revisions to the Board's Endorsement Policy to Further Clarify the

Expedited Process for Certain Applicants who apply for Licensure by Endorsement.

The Executive Director shared that based on information that Dr. Owens recently forwarded to the Board office regarding the ASPPB's requirements of jurisdictions who accept a Certificate of Professional Qualification (CPQ) from the ASPPB as verification of the information it verifies (Board has an agreement with the ASPPB not to impose additional requirements on CPQ holders except for locally requirement assessments), she reviewed and proposed revisions to the Board's Licensure by Endorsement Policy to clarify and specify which applicants are eligible for the expedited application and licensure process, and how the expedited application process is applied to those applicants.

She went on to state because the CPQ, NR, and ABPP each provide verification of information that is different from the others (the CPQ verifying the most information, and the ABPP appearing to verify the least), the information the Board seeks from those applicants would depend on the credential they hold. For an applicant who holds more than one credential, the information the Board would seek from that applicant would be based on the credential that verifies the most information. For applicants who have been continuously and actively licensed in good standing for 20 years or more, the Board would require that the applicant fill out an applicant form in which the applicant provides abbreviated information regarding education, supervised experience, and employment history, and would only be required to provide verification of licensure.

Lastly, she informed that regardless of what qualifies an applicant for the expedited application process, all applicants are required to submit to a background check, provide character references, sign required waivers, and pass the Nevada State Exam.

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the revisions to the Board's Licensure by Endorsement Policy. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

12. (For Possible Action) Discussion and Possible Action to Make a Determination on and Policy Regarding Interjurisdictional Supervision Practice.

The Board office recently received an inquiry from one of its licensees who lives, is licensed, and practices in another state. That licensee has and supervises an intern in that other state that sees a client who is moving to Nevada. The question that licensee posed was whether her intern is able to continue to see that client under the licensee's Nevada license once that client is in Nevada. Because there does not appear to be a rule or policy that would address this inquiry, it is being posed to the Board to decide

whether to make a determination on and policy regarding interjurisdictional supervision practice.

No action or policy is needed by the Board as Nevada Law provides sufficient guidance for the circumstances described in the inquiry, and the inquiring licensee is to follow Nevada supervision laws and policies as they currently stand.

13. (For Possible Action) Discussion and Possible Action to Approve Revisions to the Board's Employment and Staff Performance Review Policies.

Dr. Owens shared that during its February 9, 2024, meeting, the Board approved revisions to its Employment and Staff Performance Review policies that, among other things, added Board Investigators to those policies. It was discussed during that meeting that a performance review form specific to the Board's investigators was needed.

She went on to state that during the creation and review of the proposed Board Investigator performance review form, questions regarding the staff performance review process were raised. According to the Board's Staff Performance Review Policy, the Board President conducts the evaluation of the executive director and the Board's investigators, and then the Board formally reviews and takes action on the annual evaluation in a publicly noticed meeting. The questions raised regarding the formal review and action during a public meeting concerned the extent and detail of the information about the Board staff member that the Board formally reviews and on which it takes action in a public forum. Those questions are being brought to the Board for further discussion and consideration, and for any potential revisions to its Employment (as applicable) and, more specifically, Staff Performance Review policy.

Dr. Owens went on to share that she wants transparency among the Board but also privacy for Board and staff members. She suggested completing the reviews in private then providing an overview to Board during public meeting that goes over general performance review.

Dr. Woodard agreed that the review should be done in privacy and then general outcomes of the review be presented during the public meeting.

Dr. Benuto agreed that it is important to protect the privacy of those who are being evaluated and there is not a need for it to be a public process.

Monique Abarca agreed with the other Board members to protect privacy.

DAG Ward informed that as long as Open Meeting Law is followed and overview of the review is shared, he has no other concerns.

No further action is required by the Board.

14. (For Possible Action) Discussion and Possible Action to Approve Proposed Board Investigator Performance Review Evaluation Tool.

The Executive Director shared that after the Board approved adding Board Investigators to its Employment and Staff Performance Review policies, the executive director created a proposed review form specific to the Board's investigators to fully implement those revisions. Having first been circulated to the Board's investigators and DAG Ward for review and input, the proposed performance review form for the Board's investigators is before this Board for its approval.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada Board of Psychological Examiners approved the proposed Board Investigator Performance Review and Evaluation Tool. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

15. (For Possible Action) Discussion and Possible Action to Approve the Executive Director's Vacation Request.

The Board's Employment Policy requires that Executive Director get Board approval for requests for vacation time of five (5) days or more. She requested that approval for her planned vacation June 19, 2024, through July 1, 2024.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada Board of Psychological Examiners approved the executive director's vacation request. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Woodard.) Motion Carried: 4-0.

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

The next regular meeting of the Nevada Board of Psychological Examiners is currently scheduled for Friday, June 7, 2024, beginning at 8:00 a.m.

Dr. Owens informed it will be her last meeting as Board President and Board member. The June meeting will include voting for new Board officers (Board President, Secretary/Treasurer, Continuing Education officer, Non-Resident Consultant officer, and Exam officer) and members of the ATEAM committee.

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

Dr. Owens requested adding continuing professional development credits, and the election to the next agenda.

18. 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.

Donald Hoier shared his comment. He stated the Board should consider a standard for each performance grade on the evaluation sheet. He went on to share that there is not value in discussing the evaluations of staff publicly, as personal privacy trumps the public needing to know this information.

There was no further public comment at this time.

18. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Owens adjourned the meeting at 9:27 a.m.