

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

June 7, 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 8:02 a.m. on June 7, 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, Lorraine Benuto, Ph.D.; Soseh Esmaeili, Psy.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 Investigator Dr. Dr. Sheila Young; Executive Director Laura Arnold; Administrative Director Sarah Restori; Legislative Expert Neena Laxalt; members of the public: Dr. Teri Belmont, Dr. Kaleb Cusack, Dr. Claudia Mejia, Donald Hoier, Brian Joseph, and Sabrina Schnur.

2. Public Comment.

Dr. Owens reminded those who participate in public comment 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. Dr. Owens asked those who want to make public comment and have a statement that is longer than three minutes to submit that statement in writing and the Board will include it in the written materials that are posted. For those with questions, please email the Board office at nbop@govmail.state.nv.us.

There was no public comment.

3. (For Possible Action) Public Hearing to Solicit Comments on a Regulation Proposed for Adoption (Legislative Counsel Bureau File Numbers R095-23 and R002-24); 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 Public Notice for Information on the Draft Regulation – Attachment A)

A. R095-23 (R095-23RP1) – Responds to AB244 by providing definitions for psychological examinations, testing, and evaluation, as well as adding a provision to NAC 641.234 regarding the disclosure of psychological test material; Revises NAC 641.136 to comply with AB267’s cultural competency CE requirements.

Dr. Owens stated that during its October 13, 2023, meeting, the Board conducted a workshop to respond to AB244 by adding definitions for psychological examinations, testing, and evaluation, and a provision to NAC 641.234 regarding the disclosure of psychological test material; and revise NAC 641.136 to comply with AB 267, which revised NRS 641.220 by increasing cultural competency CE instruction from 2 hours to 6 hours.

There was no public comment regarding this regulation.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved R095-23 as revised. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

B. R002-24 (R002-24RP1) – Revises various NAC Chapter 641 provisions relating to Psychologists’ supervision of Psychological Assistants, Psychological Interns, and Psychological Trainees.

Dr. Owens stated the executive director has prepared a table to compare, side-by-side, the LCB’s initial draft, the Board’s approved revisions to the initial LCB draft, and the revised draft the LCB prepared based on the Board’s approved revisions.

Because the LCB’s draft of the revisions to NAC 641.152 and NAC 641.158 were not consistent with the intent of the Board’s revisions or how supervision works in Nevada, the Board made further revisions to portions of those two regulations and resubmitted R002-24 to the LCB for further review. After its review of the Board’s revisions to the LCB draft and a meeting with members of the LCB, the Board President, and the Board’s executive director, the LCB proposed further revisions to NAC 641.152 and NAC 641.158.

Dr. Jodi Thomas inquired if for section 2, number 8A, there was a reason that not more than one hour of nested supervision can be formed, and also asked about number 8B, pertaining to some intern supervision can be provided by a licensed specialty provider that is not a psychologist.

Dr. Owens addressed Dr. Thomas's question stating for 8A, the idea was that not all the supervision hours for each level of training can be completed by a non-licensed person. Addressing 8B, Dr. Owens stated this is captured in a different regulation and there can be supervision by another provider in a different discipline.

Dr. Holland asked for clarification regarding the additional 2 hours for group supervision not having to be performed by non-licensed psychologist. Dr. Owens addressed this by stating that does seem to be the way it is written.

Dr. Benuto suggested including in the supervision manual that this is specific to psychological trainees that are registered with the Board and that registration for psychological trainees is optional.

There was no further public comment regarding this regulation.

On motion by Lorraine Benuto, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved R002-24. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

C. R084-24 – Revises NAC 641.019 to provide for an incremental increase the biennial renewal fee from \$600 to \$650.

Dr. Owens stated that the Board began considering and discussing an incremental increase to its biennial renewal fees based on a number of factors including current factors that impact the Board and its office operations (including inflation and the increased demand on the Board office).

There was no public comment regarding the renewal fee.

There being no further comments, Dr. Owens closed the hearing.

On motion by Lorraine Benuto, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved R084-24. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

4. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the State of Nevada Board of Psychological Examiners' May 10, 2024, Meeting.

There were no comments or changes suggested for the minutes of the May 10, 2024, meeting.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on May 10, 2024. Soseh Esmaeili, Stephanie Holland, and 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 May 31, 2024, the checking account balance was \$ 230,802.15. 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 \$105,087.48. With the end of May 2024 being 11/12 of the way through FY 2024, the Board is at about 89% of budgeted expenditures and more than 102% of expected revenue.

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

The Executive Director went on to state that with the Board now being able to see how the actual expenses are shaping up in reference to, for instance, the recent changes in the board office. She stated the budget is still balanced and the Board is overall ahead of the game for the fiscal year, so those items can be easily addressed by making a few adjustments in both the revenue that has exceeded the budgeted expectations and expenses that are lower than had been expected.

On motion by Stephanie Holland, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2024. (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 Revisions to the Budget for Fiscal Year 2024 (July 1, 2023 – June 30, 2024).

The Executive Director presented the budget revisions. She shared that she adjusted both up and down to bring each item to just over 100% of revenue received at this point, and each of those will either stay the same or go up by the end of next month, which is the end of the fiscal year. Each will reflect over 100% of budgeted revenue for

the fiscal year, as will the budgeted revenue in its entirety. Those adjustments netted an additional \$4,910.00 to allocate to expenses. She informed that she spread that amount across Staff benefits, investigator salary, and payroll taxes.

She went on to state that she adjusted out of state travel, board staff salaries, and PERS down to reflect amounts that are more accurate based on actual numbers, which netted an additional \$6,950.00. She allocated that amount to the budget for rent, payroll taxes, and postage. From the final balance, which was about \$874.00, she allocated \$600 to software and database and paypal fees against regular revenue.

On motion by Lorraine Benuto, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the proposed revisions to the budget. (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 Approve the Proposed Budget for Fiscal Year 2025 (July 1, 2024 - June 30, 2025).

The Executive Director presented the preliminary budget for fiscal year 2025. She stated that the amount she expects to be in the Board's checking account when they begin the next fiscal year is about \$205,000. The almost 90,000 that's being accounted for as "money on hand" is that 205,000 minus the three distributions that have been reserved for the quarter in the current biennium, which is the first half of the next fiscal year.

She went on to state that in preparing the budget, she projected what she believes to be a somewhat conservative estimate of the amount the Board can expect to receive in renewal fees for the 2025-2026 biennium. That amount is \$435,000 from 690 renewals (reflecting a projected 7.5% attrition rate). Using data from the last renewal, about 80% of those who will be renewing their license will do so prior to the December 31, 2024, deadline, and that amount will get cast across all four biennium quarters. For the projected 20% who will renew their license late between January 1, 2025 and February 28, 2025, the deferred income from those renewals gets cast forward into the second, third, and fourth biennium quarters, as will new licensures, registrations, and reinstatements that come in during the first biennium quarter.

She informed that this is a preliminary budget, and expects to revisit it at next month's meeting after the Board has ended the 2024 fiscal year.

There were no questions regarding the preliminary budget.

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.

Neena Laxalt informed that she has gotten a sponsor for the proposed legislation. With regards to the regulations R002-24 and R084-24, they have already been discussed through the legislature and there were no questions or comments. Starting in July, all of the bill drafts will come out. She stated she will be tracking these and providing updates to the Board.

The Executive Director provided updates on current regulations. She shared that R095-23, which is the Board's response to AB244, was just heard, and being approved, will now go back to the LCB for final approval.

She went on to share that R002-24, which includes revisions to the Board's supervision regulations, was just heard, and being approved, will go back to the LCB for final approval. It is also scheduled to again go before the Joint Interim Standing Committee on health and Human Services on 6/10/2024.

Moving on, R084-24, which revises the renewal fee regulation, was just heard and, being approved, will go back to the LCB for final approval. It is also scheduled to go before the Joint Interim Standing Committee on health and Human Services on 6/10/2024.

Finally, she shared that for the NRS Chapter 641 codification – the LCB forwarded the codification of revisions that had been approved when they began the reconciliation. A review of that codification revealed a couple of discrepancies regarding NAC 641.120, which had been repealed and then later amended, and NAC 641.1685, which the LCB had adopted in two different versions at two different times. The LCB explained how it resolved those discrepancies based upon deciphering the intent of the Board at the time and fully addressed and answered questions that had been raised.

7. Board Needs and Operations

A. Report from the Nevada Psychological Association.

Claudia Mejia, Past President for NPA, introduced herself and informed she had no updates for the Board.

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

The Executive Director presented the Board's office statistic spreadsheet. She shared that the Board licensed 2 new Psychologists in May and received 11 applications for licensure. The Board also received 5 applications for Psychological Assistant registration and 1 application for Psychological Trainee registration, and registered 1 Psychological Assistant.

At the end of May, the Board had 711 active licensees and 123 active applications. As for those we register – the psychological assistants, psychological interns, and psychological trainees – there are a total of 73 that are registered and 30 active applications, the breakdown of those being provided under Current Applications and Registrations.

C. Board Officer Voting

i. **(For Possible Action) Discussion and Possible Action to Select Officers for the State of Nevada Board of Psychological Examiners for a One-Year Term from July 1, 2024, through June 30, 2025, from the Current Board Membership:**

Board President:

Dr. Owens stated that as the current Board President, she will be rotating off the Board at the end of June. The Governor's office has not yet appointed a board member for the board position that she is vacating; however, the president of the board should be a member who has some experience on the Board, which all six remaining board members have.

Dr. Owens informed that Dr. Benuto agreed to be the next Board President. Dr. Owens opened the floor to allow for someone to nominate themselves or another individual for Board President. There were no other individuals nominated or self-nominated for the Board President position.

On motion by Stephanie Holland, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. Lorraine Benuto to serve as the Board's president. Lorraine Benuto abstained from the vote. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

Secretary/Treasurer:

Dr. Owens stated that Dr. Benuto is the Board's current Secretary/Treasurer, which is a role that is intended to serve as a checks and balances advisor to work with the Executive Director and bookkeeper.

Dr. Woodard shared she would be open to taking this role up again since the fiscal management for this Board has so positively changed so significantly.

On motion by Lorraine Benuto second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved Stephanie Woodard to serve as the Board's secretary/treasurer. Stephanie Woodard abstained from the vote. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, and Catherine Pearson.) Motion Carried: 5-0.

Continuing Education Review Officer:

Dr. Owens stated that Ms. Abarca is the Board's current continuing education review officer. This role reviews and makes determinations on applications for continuing education program approval. The process by which that currently happens is that the Executive Director summarizes the information in the application and then forwards the summary and application materials to the Continuing Education Review Officer. Once approved, the Executive Director assigns a number to the program and sends correspondence to the applicant confirming approval.

The Executive Director stated Ms. Abarca would like to continue to serve in this role. Dr. Pearson would take on the role if no others wanted to. There were no others that wanted to serve in this role.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved Monique Abarca to serve as the Board's Continuing Education Officer. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

Non-Resident Consultant Application Review Officer:

Dr. Owens stated that Dr. Esmaeili is currently in this role, which reviews and makes determinations on applications for psychologists from other jurisdictions to practice as a non-resident consultant. The process by which that currently happens is that the Executive Director summarizes the information in the application and then forwards the summary and application materials to the Non-Resident Consultant Applications Review Officer. Once approved, the Executive Director forwards correspondence to the applicant confirming that their application has been approved and reminding the applicant of the limitations on the services that can be provided. The executive director also refers each approved applicant to the Board's public statement regarding AB244.

Dr. Esmaeili expressed her desire to continue this role. No others expressed wanting to have this role.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved Soseh Esmaeili to serve as the Board's Non-Resident Consultant Application Review Officer. Soseh Esmaeili abstained from the vote. (Yea: Whitney Owens, Lorraine Benuto, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

Exam Officer:

Dr. Owens stated that Dr. Holland is currently the Board's exam officer. Updating the State Exam is on the list of bigger items that the Board should undertake in the foreseeable future.

Dr. Holland expressed her desire to continue this role. No others expressed wanting to have this role.

The Executive Director stated she would like to start reviewing the current State Exam.

On motion by Soseh Esmaeili, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved Stephanie Holland to serve as the Board's Exam Officer. Stephanie Holland abstained from the vote. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

ii. For Possible Action) Discussion and Possible Action to Select the Membership of the Application Tracking Equivalency and Mobility (ATEAM) Committee for a One year Term from July 1, 2024, through June 30, 2025, from the Current Board Membership:

Dr. Owens stated that the current members of the ATEAM Committee are Soseh Esmaeili, Catherine Pearson, and Stephanie Woodard.

Soseh Esmaeili and Catherine Pearson expressed wanting to continue their role on the ATEAM committee. Stephanie Holland informed she previously serviced on the ATEAM and would be open to being a part of that committee again.

Since there was not quorum of the board, this item was tabled for the next Board meeting.

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

A. Complaint #19-0626

DAG Ward informed he is still trying to agree on a hearing officer with opposing counsel.

B. Complaint #23-0612

DAG Ward informed that he did send a follow-up cease-and-desist letter to the respondent, and they are just waiting to confirm that the respondent has provided the documents confirming the removal of the language which was offensive to the regulations.

C. Complaint #23-0801

DAG Ward informed that Dr. Young is continuing to monitor the various websites and social media sites for probably another year into March of 2025.

D. Complaint #23-0918

DAG Ward informed that he prepared and is finalizing a draft complaint of which Dr. Young and Dr. Lenkeit have added information. He is hopeful in the next two weeks they will get this sent out.

E. Complaint #24-0103

DAG Ward informed he is waiting to employ a hearing officer for this matter.

F. Complaint #24-0312(1)

DAG Ward informed that this complaint was referred from the MFT Board. Dr. Lenkeit has recommended that this matter be reported to the Department of Justice for interstate commerce problems. The Executive Director read a report from Dr. Lenkeit into the record as follows: The Complainant alleges that the individual is unlicensed and received a degree from an unaccredited institution that has closed, and offers to provide "clinical therapy, in areas of transpersonal psychology, clinical psychology, and art therapy." The complaint further alleges that the individual offers services in Las Vegas, San Francisco and New York City. The individual's website and Psychology Today ad were reviewed. The website indicates the individual offers "goal oriented counseling for individuals and couples who want to improve and enhance their relationships." They describe themselves as a "clinical sexologist." All "consultations" are by phone and Zoom. There is no mention of clinical psychology or therapy on the website and Psychology Today ad. However, this individual offers "counseling" and "sex therapy" with no qualifications or license to conduct either of these practices. They are apparently practicing without a license across state lines into multiple jurisdictions.

Based on the information reviewed, it is this investigator's finding that the individual is practicing psychology in multiple jurisdictions without a license. The following recommendations are presented to the Board for possible action: 1) A cease and desist letter should be sent to the individual; 2) This complaint and conclusions/recommendations should be provided to the New York and California Boards of Psychology for possible action; and 3) The complaint and conclusions should be provided to the United States Department of Justice for investigation of wire fraud or other possible charges.

G. Complaint #24-0312(2)

DAG Ward informed that a timely response to the complaint was received. The investigators are in the process of moving forward with this matter.

H. Complaint #24-0313

DAG Ward informed the response for the complaint was received and the investigation is not completed yet. DAG Ward informed they may need an extension from the Board to conduct the investigation. The Executive Director stated that Dr. Lenkeit is requesting an additional 30 days beyond the June 14th deadline.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved a 30-day extension for investigation for Complaint #24-0313. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

I. Complaint #24-0501

DAG Ward informed that respondent has responded the complaint. The investigators are asking for additional information from the complaints and a deadline to response.

J. Complaint #24-0522

DAG Ward informed that Dr. Lenkeit has written a report on this matter. The Executive Director read the report from Dr. Lenkeit into the record as follows: The Complainant indicated they participate in reunification therapy with the individual. They claim the individual conducted a custody evaluation instead of reunification therapy. They describe the individual as an MFT presenting themselves as a clinical psychologist. The Complainant alleges that child custody evaluations are outside the scope of practice of MFT's. The individual's website and CV were reviewed. In both, they present themselves as an MFT who holds a doctorate in clinical psychology. There are no indications that the individual is calling themselves a psychologist. There was a previous complaint filed with NBOPE against this MFT alleging presenting themselves as a psychologist. They

responded and changed the documents with misrepresentations, to the satisfaction of this investigator and the Board. There is no evidence provided that indicates the MFT has returned to presenting themselves as a psychologist. Stating that they hold a doctorate in clinical psychology does not constitute presenting themselves as a psychologist. Child custody evaluations are included in the scope of practice of MFT's, provided that the MFT does not conduct psychological testing. Based on the information reviewed, it is this investigator's conclusion that this MFT is not practicing psychology without a license. If the Complainant has objections about the nature and quality of the MFT's clinical work, they will need to file a complaint with the MFT board. It is recommended that this complaint is dismissed. The MFT and Complainant should receive a letter stating the disposition of this complaint.

The Executive Director added that she did refer this complaint to the MFT Board.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved dismissing Complaint #24-0522, and forwarding to the MFT Board. (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: Brian Klinck, April Roberts, Karen Martinez, Cassandra Cannon-Smith, Yliana Nelson, Chad Christensen, Eric Rogers, Kaleb Cusack, Rebecca Richey, Dianne Shumay, Julia Fisher, Mark Mochin, Daniel Garrett Jr., Christine Chew, I Shujaa Miller, Adam Barkey, Beverly Paschal, and Daniel Kretchman.

On motion by Catherine Pearson, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Brian Klinck, April Roberts, Karen Martinez, Cassandra Cannon-Smith, Yliana Nelson, Chad Christensen, Eric Rogers, Kaleb Cusack, Rebecca Richey, Dianne Shumay, Julia Fisher, Mark Mochin, Daniel Garrett Jr., Christine Chew, I Shujaa Miller, Adam Barkey, Beverly Paschal, and Daniel Kretchman. (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 to Approve Candis Carswell-Mitchell's Request to Extend her Registration as a Psychological Assistant.

Dr. Owens stated that Dr. Candis Carswell-Mitchell has requested that her registration as a psychological assistant under the supervision of Dr. Robert Kutner (PY0591) be extended for a fifth time. Dr. Carswell-Mitchell was first registered as a Psychological Assistant on July 1, 2019. In March 2021, the Board granted her request to extend her registration through June 30, 2022, and she was thereafter granted another extension until June 30, 2023. During its June 2, 2023, meeting, Dr. Carswell-Mitchell requested and was again granted an extension through June 2024. That extension was based on medical reasons Dr. Carswell-Mitchell explained at that time. Dr. Carswell-Mitchell also noted that she was scheduled to take the EPPP Part 1 on June 5, 2023.

Dr. Carswell-Mitchell did take the EPPP-1 on June 5, 2023, and did not pass. She has not yet retaken the exam. Dr. Carswell-Mitchell requests another extension through June 2025 for the same reasons she requested the extension in June 2023, and added that because she has not been able to work as much, she has been unable to afford study materials. She has also been given an extension through the end of August to retake the EPPP.

Dr. Pearson asked what happens if Dr. Carswell-Mitchell takes the EPPP again in August and does not pass. The Executive Director informed she would have to be registered or an applicant with the Board to schedule an exam retake, and if she didn't pass that time, she would have to apply to take it a fourth time.

On motion by Stephanie Woodard, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. Candis Carswell-Mitchell's request to extend her registration as a Psychological Assistant. (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 James Maltzahn's Request to Extend his Registration as a Psychological Assistant.

Dr. Owens shared that Dr. James Maltzahn has requested that his registration as a psychological assistant under the supervision of Dr. Nicole Anders (PY0870) be extended. Dr. Maltzahn was first registered as a Psychological Assistant on November 16, 2020, and his registration was subsequently extended, most recently to May 15, 2024. The extension of Dr. Maltzahn's registration went past three years (but not

through a fourth year) appears to have addressed confusion about his registration and renewal in 2022, when the Board office was either temporarily not staffed, or not sufficiently staffed, and then to accommodate the fact that would be applying (and then in February 2024 did apply) for licensure.

Just prior to the May 15, 2024, expiration of his registration, Dr. Maltzahn requested an additional extension so that he can complete his application for licensure. Because his registration is already into a fourth year for the reasons explained above, his request needed to be put before the Board. However, that could not happen until the Board's June 7, 2024, meeting. As a result, the executive director granted a very brief extension until June 10, 2024, so that there would be continuity of his service and to ensure he was not providing services under an expired registration certificate.

Dr. Maltzahn is an active applicant for licensure, and has assured that he will be diligent in working to complete the requirements for licensure.

On motion by Stephanie Woodard, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. James Maltzahn's request to extend his registration as a Psychological Assistant. (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 to Approve the Administrative Director Employment Agreement.

The Executive Director presented the Administrative Director's Employment Agreement. Prior to taking on her position as the Board's Administrative Director, Ms. Restori worked as a clinical executive director for a psychological services practice in which Dr. Owens was a partner. She continues to work in a limited and part-time administrative capacity for Dr. Owens and another psychologist in their new practice. In order to protect the Board, Dr. Owens wanted to ensure that Sarah's prior employment and current limited, part-time role did not overlap or intermingle with her current role with the Board as its Administrative Director.

In an effort to ensure a separation of any duties in her current role with the Board that would overlap or intermingle with Ms. Restori's prior employment or current limited part time role outside of her role with the Board office, the executive director prepared an employment agreement that, among other things, provides for the separation of certain duties that would otherwise be within the Administrative Director's role, but will be redirected to and will be solely and exclusively handled by the Executive Director. That provision is paragraph 7 of the proposed employment agreement (and is highlighted for ease of reference).

Dr. Owens, Ms. Restori, and DAG Ward have all reviewed and approved the proposed employment agreement, so it is now before the Board for final approval.

Following Dr. Woodard's concern that the timeliness of the conversation makes it challenging, this issue was tabled for the next Board meeting when there is a new Board President.

11. (For Possible Action) Discussion and Possible Action to Approve the Nevada Board of Psychological Examiners' Language Access Plan.

The Executive Director stated that on May 2, 2024, she attended a training that the Language Access Coordinator for the Governor's Office for New Americans provided regarding 2021 SB 318's requirement that each agency of the Executive Department of the State Government (which includes Boards and Commissions) develop a language access plan. She informed that she attended the training because she had not been aware of SB 318 and wanted to be sure the Board is complying with its requirements.

The executive director stated that she has been provided a format/example LAP to the Board and that the Board is free to use and customize that template. It is that template that has been customized for the Board and proposed for approval to be provided to the Governor's ONA's website.

Dr. Woodard asked if this Language Access Plan applies to individuals in the public who are attending open meeting and if the Board is obligated to provide language access. The Executive Director shared that she does not know if this applies to them.

This issue was tabled for the next Board meeting so the Executive Director can look into this more.

12. (For Possible Action) Discussion and Possible Action to Approve the Proposed Revised Licensure Application Processes.

The Executive Director presented the proposed revisions to the licensure application process. She started by first reviewing the legislation and regulations that address licensure by endorsement. She stated that NRS 641.196 provides for an expedited license by endorsement and it states that an applicant for licensure by endorsement is required to submit to the Board: Proof that the applicant holds a corresponding valid and unrestricted license as a psychologist in the District of Columbia or any US state or territory, and has not been disciplined or investigated by a corresponding regulatory authority or been held liable for malpractice, submits to a background check, attests to the information in the application being true and correct, pays the licensing fee, and provides any other information required by the Board.

She went on to state that the Board approved revisions to its Licensure by Endorsement policy during its May 10, 2024, meeting. Those revisions included the addition of a

provision regarding expedited applications. According to that new provision, there is an expedited application process for licensure applicants who have: a Certificate of Professional Qualification (CPQ) in Psychology; a National Register of Health Science Psychologists (NR) Credential; an American Board of Professional Psychology (ABPP) Credential; and/or been continuously and actively licensed in good standing in one or more jurisdictions for 20 or more years. With that new provision, applicants with one or more of these credentials will not be required to provide information that those credentials verify, so long as the Board receives verification from the credentialing agencies.

Applicants who have been continuously and actively licensed in good standing in one or more jurisdictions for 20 or more years will be required to complete an application form that provides abbreviated information regarding education, supervised experience, and employment information, as well as verification of continuous and active licensure in good standing in the jurisdiction(s) in which they are licensed.

All applicants for licensure by endorsement who are eligible for an expedited application process are required to submit to a background check, provide character references, sign certain required waivers, pass the Nevada State Exam, and provide information not provided by any credential(s) they hold.

She stated because each credential verifies different information from the others, and because applicants with 20+ years will be asked to provide information those with credentials will not, she designed an application process by which all applicants for licensure those eligible for licensure by endorsement and those who are not will fill out an initial screening application that will determine what application process is appropriate for each applicant.

The Applicant Screening Information Form obtains from every applicant an acknowledgement/attestation regarding the information being provided, and personal information, such as name, SSN, citizenship, contact information, etc.

The Screening Information Form then asks whether the applicant is licensed in another jurisdiction and, if so, whether they have been licensed for five years or more.

She went on to state that if the applicant is not licensed in another jurisdiction or has not been licensed for five years or more, that applicant will be required to complete the Psychology Licensure Universal System (PLUS) through the ASPPB, which, among other things, verifies applicants' education, training, examinations, and (if applicable) licensure. Those applicants are instructed to complete the portion of the Screening Information Form that asks for doctoral degree information (section 5) and to submit the screening form with the application fee.

Applicants who have been licensed in another jurisdiction for at least five years are asked to complete the section designed for those who are eligible for licensure by

endorsement (section 4). That section will inform as to the applicable application they will be asked to complete along with the other requirements for licensure, as follows: If they have a CPQ credential, they will be asked to complete the expedited application for CPQ holders that asks only for their personal/professional conduct history, and will be required to submit to a background check, take and pass the state exam, provide three character references, and sign the Board's waiver forms. The CPQ credential will have verified education, predoctoral experience, postdoctoral experience, EPPP examination, licensure, and employment.

If they have an NR credential, they will be asked to complete the expedited application for NR credential holders that asks only for their personal/professional conduct history and employment history for the past 5 years. They will also be required to submit to a background check, take and pass the state exam, provide three character references, and sign the Board's waiver forms. The NR credential will have verified education, predoctoral experience, postdoctoral experience, EPPP examination, and licensure.

If they have an ABPP credential, they will be asked to complete the application for ABPP credential holders that asks for their personal/professional conduct history, post-doctoral supervised experience, EPPP information, and employment history for the past 5 years. They will also be required to submit to a background check, take and pass the state exam, provide three character references, and sign the Board's waiver forms. The NR credential will have verified education, predoctoral experience, and licensure.

If they have been actively and continuously licensed in another jurisdiction for 20 or more years, they will be asked to complete the application that asks for their personal/professional conduct history and that simply asks them to provide general information about their licensure history, graduate education, pre- and post-doctoral training, EPPP information, and employment history – all of which we ask them to attest to its accuracy. They will also be required to submit to a background check, take and pass the state exam, provide three character references, provide licensure verification, and sign the Board's waiver forms.

If they have been actively and continuously licensed in another jurisdiction for five or more years but less than 20 years, they will be asked to complete the application that asks for their personal/professional conduct history and that asks them to provide more detailed information about their licensure history, graduate education, pre- and post-doctoral training, EPPP information, and employment history. They will also be required to submit to a background check, take and pass the state exam, provide three character references, provide licensure verification, and sign the Board's waiver forms.

Because the 5-20 year applicants are in a bit of a gray area, some may be asked to submit to the ASPPB's PLUS verification process. For instance, those who have been licensed closer to the five year mark than the 20 year mark have information that is more recent and easier to have verified, and of those applicants, for example, we may send those who come from Non-APA accredited education programs and are licensed in a red state for verification. At the other end of the spectrum, for an applicant who is closer to the 20 year mark, went to an APA accredited program and is licensed in several states, some of which are green or yellow, it would be an internal review of the application and reliance on the information provided, subject to licensure verification in those other states.

The five year licensure mark is important for distinction because the Board uses that period of time to reduce the number of supervised experience hours required for licensure and eliminate the ATEAM review for non-APA accredited programs. The twenty year mark on the other end is important for distinction because then it qualifies for the expedited process the executive director previously discussed. It is why the 5-20 year licensure applicants are in a bit of a gray area and require closer review to determine whether PLUS verification is prudent.

Finally, the ASPPB is currently creating a PLUS process for these applicants who do not require verification. When that process is available, the 5-20 year applicants may go through the ASPPB's plus process, by which the information the proposed application requests will be gathered, but not necessarily verified, there and made available through a PLUS report.

Dr. Woodard commented on the efforts the Executive Director has made to ensure a progressive policy towards licensure. Dr. Owens added that the Executive Director is doing great work cleaning and clarifying the Board's policies and procedures.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the proposed revised licensure application processes. (Yea: 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 to Approve Beginning the Process of Revising NAC Chapter 641 to Resurrect an Updated Version of Repealed NAC 641.120 (National Exam regulation).

The Executive Director stated that the Legislative Counsel Bureau forwarded the codified NAC Chapter 641 and she noticed that NAC 641.120 was not included. She informed the LCB overlooked that amendment. She stated this regulation mirrors language the Board has for the State Exam. She stated the language is no longer

accurate as the Board does not require that individuals graduate from their doctoral program in order to take the EPPP. She would like to work on revising this language to accurately reflect the current process.

Dr. Owens stated the intention was to recognize once a postdoc has taken the exam so many times, the likelihood of passing becomes very low, and the Board does not want applicants to spend money on taking a test they cannot pass. Dr. Owens does agree with the recommendation to clean up this section of the NAC to reflect the current process and maintaining the language around how many times individuals can take the national exam.

On motion by Lorraine Benuto, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved beginning the process of revising NAC Chapter 641 to resurrect an updated version of Repealed NAC 641.120 (National Exam regulation). (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

14. (For Possible Action) Discussion and Possible Action to Approve Beginning the Process of Including Continuing Professional Development in Continuing Education Requirements.

Dr. Owens shared that back in the October 2023 ASPPB meeting, other Boards presented professional development as an alternative to continuing education requirements. Dr. Owens proposal would be to shift into a model that would provide more allowance for additional credits obtained by licensees which would include a range of activities and this also allowing to reduce the financial burden on the licensees to obtain credits. She stated NPA is mostly in favor of the change overall and would like to be a part of the process.

Dr. Benuto shared that she is in favor of this model as she is often engaging in professional development. She also stated this may garner some excitement as she is often, as well as her colleagues, trying to get CE's just to check off a box. It could increase the quality of the professional development licensees engage in.

Dr. Pearson had concerns about the verification process of the activities, and is hopeful a committee that works on this will iron these concerns out.

Dr. Woodard shared that moving towards a professional engagement model really can help to increase competencies especially if licensees are pursuing a specialty.

Dr. Benuto, Dr. Woodard, and Dr. Holland stated she would like to be a part of the process to move this forward. Dr. Owens suggested to workshop this over the course of several Board meetings. Dr. Benuto agreed to start developing language around this.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved beginning the process of including Continuing Professional Development in Continuing Education Requirements. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

15. (For Possible Action) Discussion and Possible Action to Approve the Executive Director’s and Board Investigators’ Performance Evaluations.

Dr. Owens presented the Executive Director’s staff evaluation. She stated the Executive Director’s overall rating was outstanding. Dr. Owens noted that her performance has been exceptional.

Dr. Owens stated that Dr. Sheila Young’s overall rating was outstanding.

Dr. Owens stated that Dr. Gary Lenkeit’s overall rating was outstanding.

There were no questions regarding the evaluations.

On motion by Stephanie Woodard, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved the Executive Director’s and Board Investigators’ Performance Evaluations. (Yea: Whitney Owens, Lorraine Benuto, Soseh Esmaeili, Stephanie Holland, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 6-0.

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, July 12, 2024, beginning at 8:00 a.m.

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

Dr. Woodard shared that legislation was passed during the last legislative session that directly impacts psychologists. She stated in NRS 641, Section 13, legislation talks about what a psychologist needs to do if they diagnose a patient with an opioid abuse

disorder. She stated there is a lot contained in this legislation and wants to make sure the Board is aware since it directly influences their NRS. Dr. Owens thought it was important to make licensees aware of these changes. She asked the Executive Director to review this legislation, and possibly add it as an action item in the next Board meeting.

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.

The Executive Director started by acknowledging Dr. Owens extraordinary service to the Board for the past eight years and working with her in this new role for the past year and a half. Dr. Benuto expressed her gratitude towards Dr. Owens leadership and her kindness. Dr. Pearson shared that she felt so fortunate to come on during a time under Dr. Owens leadership. Dr. Holland expressed being on the Board for some time and how impactful Dr. Owens leadership as president has been. Dr. Woodard expressed how impressed Dr. Owens leadership has been to navigate difficult issues and stated she has been very grateful to work underneath her. Ms. Restori presented an award for Dr. Owens leadership on the Board.

Dr. Owens expressed her thankfulness to the Board and its members and greatly appreciated her time served.

There was no further public comment at this time.

19. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Owens adjourned the meeting at 11:09 a.m.