

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

February 14, 2025

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

The meeting of the Nevada State Board of Psychological Examiners was called to order by President Lorraine Benuto, PhD, at 8:04 a.m. on February 14, 2025, online via "Zoom" and physically at the office of the Board of Psychological Examiners, 3080 S. Durango Drive, Suite 102, Las Vegas, Nevada 89117.

Roll Call: Board President, Lorraine Benuto, Ph.D., Secretary/Treasurer, Stephanie Woodard, Psy.D., members, Stephanie Holland, Psy.D.; Catherine Pearson, Ph.D.; and Robert Moering, Psy.D. were present at roll call. There was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigators Dr. Sheila Young, and Dr. Whitney Owens; Executive Director Laura Arnold; Administrative Director Sarah Restori; members of the public: Karen Kampf, Brian Lech, Akiko Hinds, Mary Marcu, Hao Song, Teri Belmont, Mariann Burnett-Atwell, Sara Hunt, Thomas Kinsora, Taylor Chille, Jodi Thomas, Andrew Buchanan, Abigail Baily, Jodi Thomas, Lewis Etcoff, Yana Ryjova, Sara Hunt, Shera Bradley, Bernadette Hinojos, Caller 1.

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

DAG Ward wanted to remind any members of the public who may be here to comment on a pending complaint that our Deputy Attorney General has requested that no public comment be made on pending complaints.

There was no public comment.

3. Minutes. (For Possible Action) Discussion and Possible Action to Approve the Minutes of the State of Nevada Board of Psychological Examiners' January 10, 2025, Meeting.

There were no comments or changes suggested for the minutes of the January 10, 2025, meeting.

On motion by Stephanie Woodard, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on December 6, 2024. Robert Moering and Stephanie Holland approved the minutes as to form, but not content. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

4. Financials

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

Tabled for a future agenda item.

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

Tabled for a future agenda item.

- C. (For Possible Action) Discussion and Possible Action to approve paying the 2024 Nevada State Assessment Fee for PsyPact in the amount of \$1,300.

Tabled for a future agenda item.

- D. (For Possible Action) Discussion and Possible Action to designate Board Members and/or Staff to Attend the Association of State and Provincial Psychology Boards (ASPPB) annual meeting, April 24-27, 2025, in Montreal, QC, Canada for a combined total expenditure of approximately \$5,000.

The Executive Director shared that ASPPB's Mid-Year Meeting will be held on April 24-27, 2025, in Montreal, QC, Canada. The combined total expenditure for three members/staff to go would be approximately \$5,000, and the budget allows for this expense. She shared that historically, the board budgeted to be able to send 2 Board representatives to the conference, but this year, Dr. Benuto expressed an interest in going, the Executive Director has a presentation to give at the conference, and it's recommended the Administrative Director attend. This would be Dr. Benuto's and Sarah's first ASPPB conference, and given that the ASPPB is the national regulatory body for psychology boards, she shared that she believes this is an important conference for both of them to attend based on their respective roles with the Board. The request is for Dr. Benuto, Sarah, and Laura to go.

On motion by Robert Moering, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved sending Lorraine Benuto, Laura Arnold, and Sarah Restori to the ASPPB Annual Meeting in April 2025, for a combined total expenditure of approximately \$5,000. (Yea: Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Lorraine Benuto abstained from the vote. Motion Carried: 4-0.

5. Legislative/Regulation Update

There were no updates provided on this agenda item and it was tabled for the next meeting.

6. Report from the Nevada Psychological Association

There were no updates from the Nevada Psychological Association.

Akiko Hinds sought clarification surrounding the EPPP Part-2 motion from the Board. She wanted to know what the next steps were for those that passed the EPPP Part-1 and did not pass the EPPP Part-2. Dr. Benuto addressed this by saying since the EPPP Part-2 is no longer required for those that graduated from an APA-accredited doctoral program, only need to pass the EPPP Part-1 and the jurisprudence exam.

7. Report from the Board Office on Operations.

There were no updates provided on this agenda item and it was tabled for the next meeting.

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

A. Complaint #19-0626

DAG Ward informed there is ongoing litigation. The hearing is set for November 12th-4th, 2025.

B. Complaint #23-0918

DAG Ward informed formal Complaint and Notice of Hearing was served on respondent. Respondent is represented by counsel, who has answered the complaint. DAG Ward is in the process of trying to resolve this matter via consent decree with opposing counsel.

C. Complaint #24-0103

DAG Ward informed there is ongoing litigation. The hearing is set for November 12th-4th, 2025.

D. Complaint #24-0312(1)

DAG Ward informed this matter has been referred to the MFT Board. The cease-and-desist letter has been sent to the respondent to which the respondent has provided a response. DAG Ward to send follow up cease and desist to remove additional language

from all online presence. The cease-and-desist letter and response will be forwarded to the New York and California Board.

E. Complaint #24-0312(2)

DAG Ward informed this is a complaint regarding timely reporting. Complaint and notice of hearing served on respondent. The respondent, through counsel, answered the complaint. DAG Ward will forward the draft consent decree to investigator for review and feedback.

F. Complaint #24-0605

DAG Ward informed this complaint was received regarding misrepresentation of credentials and practicing without a license. Cease and desist letter has been sent, with response due in early March.

G. Complaint #24-0607

DAG Ward informed this was a self-report from a licensee regarding two misdemeanor convictions. Respondent has agreed to the Investigator's terms for resolution and draft consent decree are pending.

H. Complaints #24-0711

#24-0719

#24-0726

#24-0823

DAG Ward informed these four complaints are against the same psychologist. All complaints have been forwarded to the respondent and appropriate federal agencies. Respondent has an attorney and has provided an informal response to the complaints, and DAG has been in communication with counsel for respondent. Investigation continues, including meeting with witnesses.

I. Complaint #24-0730

DAG Ward informed Cease and Dease letter was sent from DAG Ward regarding unlicensed practice, but no response from respondent. DAG Ward to resend cease and desist with restricted delivery specific to respondent.

J. Complaint #24-0829

DAG Ward informed this complaint is regarding documentation and the investigation is complete. DAG Ward will prepare proposed disciplinary consent decree per investigator's recommendations.

K. Complaint #24-0903

DAG Ward informed this complaint was received regarding advertising unlicensed activity and forwarded to investigator for review. DAG Ward prepared and served a Cease and Desist letter, to which respondent provided a response. The investigator will continue to monitor respondent's social media for the next few months.

L. Complaint #24-0924

DAG Ward informed this complaint was received and forwarded to the investigator for review. The Cease and Desist letter was sent to the respondent but returned without being delivered. DAG Ward will try to contact respondent through website to perfect service of cease and desist.

M. Complaint #24-1023

DAG Ward shared the report on this complaint. In June of 2022, the complainant in this case had their child evaluated by a psychologist as a part of a legal suit against an educational institution. The respondent was retained by the defense to provide an evaluation of the child. The complainant alleges that violations of the APA Ethical Principles of Psychologists and Code of Conduct by the respondent. After an extensive review of the information provided by both the complainant and respondent, it appears that the respondent followed typical evaluation procedures and practices. Given that there is not sufficient evidence to suggest any violation of the Nevada Revised Statutes, Nevada Administrative Code, or the APA Ethical Principles of Psychologists and Code of Conduct in this case, it is recommended that this case be dismissed. He shared that in regards to civil liability and civil cases, there is a question of immunity defense that the respondent can assert. DAG Ward stated that given that there is not sufficient evidence to suggest any violation of the Nevada Revised Statutes, Nevada Administrative Code, or the APA Ethical Principles of Psychologists and Code of Conduct in this case, it is his recommendation that this case be dismissed.

On motion by Stephanie Woodard, second by Robert Moering, the Nevada State Board of Psychological Examiners approved dismissing Complaint #24-1023. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

N. Complaint #24-1125

DAG Ward informed email complaint received regarding misrepresentation of credentials and forwarded to investigator. Respondent is an applicant for licensure in NV and response to complaint received and all online information updated. DAG Ward requested to close this complaint.

On motion by Robert Moering, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved closing Complaint #24-1125. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

O. Complaint #24-1202

DAG Ward informed complaint received and forwarded to and reviewed by investigator. Complaint forwarded to respondent for response. DAG Ward stated cease-and-desist letter is pending.

P. Complaint #25-0110

DAG Ward informed this is a complaint for unlicensed practice. The complaint was forwarded to the respondent for response. They are pending receipt of response.

Q. Complaint #25-0128

DAG Ward informed this is a complaint for unlicensed practice. The complaint was forwarded to respondent for response. They are pending receipt of response.

DAG Ward shared that just because they are asserting a complaint for unlicensed practice, that is one of the allegations that they do make in their cease-and-desist letter, he stated often it's their incorrect, whether intentional or unintentional, advertising in their social media. He states these are the majority of cases that he spoke about today.

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: **Kele Kirschenbaum, Lorena Michel, Sarah Mauch, Shahla Gorovoy, Andrew Ahrendt, Iris Melo, Erick Rogers, Nelson Walters, Shanna Mohler, and Justine Weber.**

On motion by Stephanie Woodard, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Kele Kirschenbaum, Lorena Michel, Sarah Mauch, Shahla Gorovoy, Andrew Ahrendt, Iris Melo, Erick Rogers, Nelson Walters, Shanna Mohler, and Justine Weber. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

- A. (For Possible Action) Discussion and Possible Action to Approve Dr. Jennifer Grimes-Vawters' request to be employed without compensation under her registration as a Psychological Assistant.

Dr. Benuto shared that this was an agenda item that was tabled from last month's meeting to permit Dr. Jennifer Grimes-Vawters, who is approved as a Psychological Assistant, to specify the approval she is seeking to be exempted from NAC 641.154's salary requirements for Psychological Assistants. She shared that Dr. Grimes-Vawters provided an updated letter in support of her request, which is in the meeting materials

provided to the Board. She shared that as a reminder from our last meeting, NAC 641.154 states that a Psychological Assistant is entitled to compensation paid in equal amounts on a fixed schedule over the course of his or her training. However, an employment agreement that does not provide for the payment of a salary or stipend may be approved by the Board if the Board determines that the agreement is in the best interest of the Psychological Assistant. According to her updated letter, Dr. Grimes-Vawters is seeking to be employed without compensation under her registration as a Psychological Assistant.

Dr. Moering noted that Dr. Grimes-Vawter's request includes wanting to gain experience in business management and administration to continue to expand her private practice using her doctoral training. He noted that in her Supervised Practice Plan, it focuses on receiving clinical training.

Dr. Woodard shared that the updated letter still has some confusion regarding what is being requested. She stated she feels the updated letter does not address the concerns the Board previously had.

Dr. Benuto agreed that she also feels the updated letter does not address the concerns the Board previously had. She recommended tabling this issue for a future Board meeting so Dr. Grimes-Vawters can attend and answer questions the Board may have.

On motion by Robert Moering, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved tabling this for a future agenda item. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

- B. (For Possible Action) Discussion and Possible Action to Approve Dr. Milagro Gonzalez's request to extend her Registration as a Psychological Assistant for a Fourth Year.

Dr. Benuto shared that Dr. Milagro Gonzalez, who is registered as a Psychological Assistant, has requested Board approval to extend her registration for a fourth year. She shared that Dr. Gonzalez was initially registered as a Psychological Assistant on February 18, 2022, under Dr. Kara Cross's supervision, and has been granted extensions since then under the same supervision. Dr. Gonzalez's current registration as a Psychological Assistant is scheduled to expire on February 17, 2025. She shared that because an extension of Dr. Gonzalez's registration would extend her registration into a fourth year, NAC 641.151(3) requires that the Board approve the registration extension request.

Dr. Woodard wanted to confirm that there was a supervision agreement in place and in effect. The Administrator Director confirmed there is.

On motion by Robert Moering, second by Catherine Pearson, the Nevada State Board of Psychological Examiners approved Dr. Milagro Gonzalez request to extend her registration as a psychological assistant for a fourth year. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

10. (For Possible Action) Discussion and Possible Action Regarding Licensure Examination Requirements, including, but not limited to:

- A. Update from BeHere NV regarding Potential Financial Assistance that Could be Provided to Certain Applicants for EPPP Study Materials.

Dr. Hunt provided an update on BeHere NV. She stated that BeHere NV was created through state legislation in 2023 and they are state funded with their purpose to grow the workforce pipeline especially in the K-12 system, and then connecting those individuals into the higher education program in Nevada, train them, then work on the retention. She stated she would like to add financial assistance along the way for the early career professionals that are going to start their internship or postdoc and offer financial assistance to cover test preparation materials. She stated they are getting closer and having the final conversations on how to disburse the funds. She's hoping they can put out an announcement in the spring to apply for that assistant.

- B. Information Regarding the EPPP-2 from Dr. Hao Song, Associate Executive Officer of Examination Services for the ASPPB.

The Executive Director informed that all written public comments have been distributed to the Board members.

Dr. Burnetti-Atwell provided the Board with information and data she has regarding the EPPP-2. She shared that she is with ASPPB and serves as their Chief Executive Officer for their association. Dr. Song shared that she is the associate Executive Officer for examination services for ASPPB.

Dr. Burnetti-Atwell provided information regarding the development and validation of the EPPP Part-2 and the work underway to develop a reimagined EPPP. She shared that this revision to the EPPP began in 2015. The EPPP Part-1 being a foundational knowledge exam, other fields in the healthcare arena were moving towards competency-based exams at the time of licensing. This was their motivation to start looking at a competency-based exam. She shared that this was not something that ASPPB came upon to work on its own, it was something that was done by its support of its membership. She stated this idea was also happening alongside APA putting significant work in this area along within efforts in the training community. Dr. Burnetti-Atwell shared that the EPPP Part-2 was developed due to skills not being universally assessed in a standardized manner, most current competency assessment methods have known concerns, for 3 consecutive years APPIC has seen an increase in

competency consultation requests, and due to COVID, the impacts on training are unknown.

She went on to share that for decades, Nevada has required a skills-based exam in addition to a knowledge-based exam for licensure. Starting in 2020, Nevada moved forward with the use of the EPPP Part-2. She stated that from 2021-January 3, 2025, 65 candidates have taken the Part-2 with a total of 98 exams having been administered.

Dr. Song provided the Board with information regarding validity of EPPP Part-1 and 2. She stated their content validity is established through subject matter experts, job task analysis, test specification, multiple levels of content review, psychometric evaluation, and standard setting. She stated these have been performed for both the Part 1 and 2 and these methodologies complies with guidelines from APA, AERA, and NCME, which are the highest testing standards that they follow and best practice. She went on to state they also have an external validation and endorsement. She stated the California Office of Professional Examination Services (OPES) Review reviewed the exams and found that the EPPP Part-2 met professional guidelines and technical standards. The review also concluded that the Subject Matter Experts concluded that the EPPP Part 2 more thoroughly assesses skills than those measured by the EPPP Part 1. She stated the data showed that the EPPP1 and EPPP2 scores were moderately positively correlated.

Regarding a biased exam, Dr. Song stated that bias refers to construct underrepresentation or construct-irrelevant components of test scores, and you want to see a bell-shaped curve performance distribution. She stated every exam will see differential performance, but that does mean bias. She stated that in every high-stake examination, they look very carefully at differential performance factors. She stated that ASPPB data consistently shows substantial performance difference between candidates who graduated from and APA or CPA-accredited doctoral program than those from non-accredited programs. She shared that demographic, social, cultural backgrounds as well as training, internship are correlated with each other. She stated that it is misleading to attribute performance differences on the EPPP solely to demographic background factors. She stated that iterative development and quality assurance process is done by Subject Matter Experts from diverse background with extensive training to prevent potential bias. Dr. Song stated that people from marginalized groups are more likely to be from non-APA accredited programs. She stated she has not gotten very clean data in terms of the demographics, as the demographic are self-reported and they only started to collect in the recent years. Dr. Song stated information on demographics are just hypotheses at this point, as they don't have consistent data on demographics.

Dr. Burnett-Atwell stated they have information from APA and CPA programs, which is published annually on their website. She stated that the demographics that have been shared with ASPPB is from an optional form, therefore they cannot speak to the data in a clean perspective.

Dr. Moering stated that a lot of the public comment as been related to those demographics and not whether they are from an accredited program.

Dr. Song confirmed this by saying that is correct, demographic representation is more of a rumor, and not based on the data.

Dr. Burnetti-Atwell went on to discuss the sample exam. She stated the sample exam became available in May 2023 which consisted of 65 items which are available online or at a testing site. She stated they have seen upwards of 15% in pass rates when individuals have accessed the sample exam. They are making two modifications where they are making two new sample exams. These practice exams will include the answer and explanation of why that answer is correct.

She went on to share that in October 2024, the ASPPB Board of Directors announced that they would pause the implementation of the EPPP Part-1 and Part-2 in 2026, and instead work on a single-session EPPP that combines both versions, knowledge and skills. She stated that the Collaborative Implementation Task Force was implemented and this will include townhall meetings to enhance collaboration. In addition, the Job Task Analysis Task Force is scheduled to meet throughout 2025 to identify competency areas that are needed for psychologists to practice independently. Both of those task forces will work together to guide the trajectory of the exam. She anticipates that new exam be able to stand up in early 2027. Dr. Burnetti-Atwell reiterated that there are a lot of steps that have to be taken.

Dr. Moering stated that with ASPPB essentially abandoning the Part-2, or putting it on pause, why should Nevada continue to implement the Part-2.

Dr. Burnetti-Atwell addressed this question and stated they have not abandoned the Part-2, as ASPPB continues to develop the skills questions for this exam as that work will continue to go on. She went on to state that what has changed is the January 2026 date to be a two-part exam has changed. She stated the work and investment continues to build those questions in the Part-2. She stated what will change is the results of feedback from the job tasks forces. She stated the EPPP Part-2 is not obsolete.

Dr. Song stated they are continuing the development and administration of the Part-2 as the Part-2 will get implemented into the combined version, therefore, it is not obsolete.

Dr. Pearson asked that if the EPPP Part-2 is in the process of being reimaged, is it the ASPPB's recommendation to continue to administer the EPPP Part-2.

Dr. Burnetti-Atwell stated the ASPPB has said that the EPPP Part-2 continues to be available and actively updated and maintained and overseen. She stated just this month they have added another practice exam. She stated that they recognize every jurisdiction is unique and facing a number of challenges. She stated there are three jurisdictions that are utilizing the EPPP Part-2 today.

Dr. Pearson noted that since there were 98 exams given and 65 test takers of the EPPP Part-2, that many had to retake the exam. Dr. Song confirmed this and stated that some people take it more than once. And more than 60% of people passed on the first attempt and close to 70% passed on the second attempt. Less than 20% are not passing. She stated this could be due to familiarity with the exam. Those who took the practice exam performed better on their first attempt. Dr. Song confirmed that they are continuing to develop the Part-2.

Dr. Woodard sought to understand what other jurisdictions are doing as it related to skill-based examination.

Dr. Burnetti-Atwell answered this by stating they have a document called the In Focus 2023, and within that document there is information that has been provided by 60 jurisdictional members and within that you would be able to see that there are variety of requirements for licensure. Some are using oral exams, some are using jurisprudence exams, and other variations they've created.

Dr. Woodard sought to understand the potential risks of not evaluating skills.

Dr. Burnetti-Atwell stated they are the only profession that is not assessing skills and knowledge in a unified way. She stated that there is currently such a variation of ways of assessing those skills upon entering licensure that is happening across jurisdictions. She stated that their responsibility in the regulatory field is the public and their safety.

Dr. Song added that when she looked at Nevada's data, they only had 65 individuals that were required to take the Part-2. She did not see this number as a block to the workforce in Nevada. She stated that the number of those who get licensed in Nevada continue to go up. She stated when she looks at those test takers, many of the ones who had to retake the Part 2, had to retake the Part 1. She stated if you don't have this additional gatekeeping, then you sacrifice the quality of service.

Dr. Benuto stated that one of the comments that the Board received was regarding whether computerized tests can simulate the skill and nuance required in the application of clinical knowledge.

- C. Continued discussion regarding the EPPP-2, including, but not limited to, whether to update and implement/reinstate the Board's previous skills-based competency examination pending the ASPPB's implementation of the combined EPPP exam.

Dr. Benuto shared that in the context of the EPPP-2 requirement and the concerns that have been raised about it, the Board may also want to continue the discussion it had during the December meeting regarding Nevada reinstating its previous skills-based test. She shared that at that time, it was unknown whether the Board still had that archived exam. Since then, Sarah, Laura, and Dr. Holland have worked to try to find what Nevada previously required for a skills-based assessment, and were able to find the archived skills-based competency examination that had been required prior to the Board becoming an early adopter of the EPPP-2 to replace that exam. She shared that since then, Dr. Holland, Sarah, and Laura have done some initial collaborating, but need to know where the Board may be on that idea before putting further effort into it, as the prior exam will require updating and a determination made as to how it could be implemented.

Dr. Holland shared that in considering the options, the Board has the two options if they consider halting the EPPP Part-2. She stated the less complicated would be to reinstate the State Exam. She stated it combines the law and ethics and skills component. She stated when the Board was an early adopter of the EPPP Part-2, they decided to carve out the law and ethics portion of the exam and make that open book. She has some concerns that it would take more time to look at the skills questions they have in their item bank that were constructed by Comira and pull those to develop a skills-based exam in conjunction with the jurisprudence exam. She believes that will take more time.

Dr. Benuto summarized the three options being: continue with the EPPP Part-2 as is, the second being to reinstate the State Exam that included the jurisprudence portion, and the third option would be to revise the old exam that only contains the skills portion and leave the jurisprudence exam as it is now.

Dr. Holland added that when they were in the process of updating the items on the old State Exam just prior to the adoption of the EPPP Part-2, they put that one on pause because they adopted the EPPP Part-2, so they would still need to go back and ensure the items are current.

Dr. Young wanted the Board to consider the cost associated with updating the exam and it's a very expensive process. And the only funds the Board has for staff, office space, counsel, comes from license renewal and application fees. She expressed being worried about it exceeding what they have in their budget and it will be important to know what that cost is.

Dr. Moering suggested deciding on keeping the EPPP Part-2 or not, keep the current jurisprudence exam, and three, drop the skills-based exam until ASPPB comes up with their new combined version. He stated other states do not require a skills-based exam. He agrees that the costs associated with redeveloping the exam and the costs on applicants are a concern.

Dr. Woodard states she does not have enough information as it related to cost and timeline. She stated the Board can decide to pursue additional information as it relates to the cost and logistics of implementing the State Exam.

The Executive Director recommended the Board consider going into closed session with the Board's counsel regarding risks dropping the EPPP Part-2, if that is something they want to consider.

Dr. Holland shared that she thinks the option to pull the old skills based questions and turn that into a new exam would require outside assistance, and that the costs to create a new exam would be upwards of \$20,000. She added that the prior State Exam's skills based exam made up 14 percent of the exam. She stated these questions make up about 6-7 questions and they are very basic questions.

Dr. Benuto shared that they believed the exam consisting of 14 percent of skills-based questions was sufficient to test competency. She wondered if there was an increase in the number of complaints or incidence of malpractice as the reason for shifting the to the EPPP Part-2. She shared that there is sentiment that there is a new standard that new psychologists are being held to having to take this exam, if there was not a reason to implement it.

Dr. Pearson asked if she knew the reason why the Board moved from the State Exam to the EPPP Part-2.

Dr. Holland stated she does not recall that there were concerns regarding the State Exam, and she thinks the Board felt it would be a good idea to support a national exam.

The Executive Director stated that the meeting minutes from the April, 2019, Board meeting does discuss why they made that change. She stated that the April meeting also refers to the August, 2018, Board meeting.

Dr. Woodard confirmed this by saying they do have thorough documentation as to why the Board was an early adopter of the EPPP Part-2 which coincides with the Board needing to update their current State Exam. As a part of that meeting, they discussed the time and money it would take to update the State Exam, versus adopting the national exam.

Dr. Moering wondered how much skills assessment was being done with only 14 percent of the State Exam consisting of skills questions. He stated he is in favor of having a skill-based assessment, but it needs to be reasonable.

Dr. Young stated that they developed the paper skills exam to replace the oral exam, as there were concerns the oral exam was not objective.

Dr. Akiko Hinds stated it would be important for the Board to make a decision on the EPPP Part-2, as for the last two or three Board meetings its been a continuing discussion that hasn't gone anywhere, and they're stuck in limbo. She stated they could lose those individuals to other states where the EPPP Part-2 is not required. She feels it is not fair that they're held to a higher standard. She also felt that those on the Board who have not taken the EPPP Part-2 need to take it.

Dr. Bernadette Hinojos mentioned the possibility of adjusting the score since there are not a lot of prep materials.

Dr. Woodard stated she believes the Board also needs to deliberate on unintended consequences of moving towards no skills-based exam, if that's the direction the Board wants to go.

Dr. Moering stated there are a minority of states that require a skills-based exam and he does not think he's heard negative consequences of not having that competent. He believes he should not have that requirement of the EPPP Part-2 and should discuss at a future date whether they want to add back in the former skills-based exam.

Dr. Benuto stated there are 42 PsyPact states and eight require a competency-based exam.

Dr. Young stated all PsyPact requires APA-accredited training, and Nevada does not as you have to prove equivalency.

Dr. Woodard stated she thinks the APA-accredited requirement through PsyPact adds a different nuance to the conversation especially based off the information ASPPB is seeing from individuals that come from accredited programs and their pass rates on the national exams versus those that are coming from unaccredited programs.

Dr. Pearson stated some states offer a waiver for the EPPP Part-2 and wondered how those states were using the waiver.

The Executive Director recommended the Board go into closed session with Board counsel to discuss any unintended consequences or potential Board exposure by lowering the EPPP Part-2 pass rate or waiving the EPPP Part-2.

The Board paused the open meeting and removed members of the public from it to consult with Board counsel on potential legal consequences and exposure regarding the EPPP-2 decision. After consulting with Board counsel, the Board reconvened the open meeting to continue its discussion regarding the EPPP-2.

Dr. Benuto stated that she was surprised to learn that over 80 percent of PsyPact states do not have a competency-based exam. She was curious about the choice to allow those providers to practice in the state while also feeling strongly about requiring a competency-based exam.

The Executive Director stated that the Board has two different types of applicants, one being those who are licensed by endorsement and those applicants, who make up the majority of the Board's applicants, do not take the EPPP Part-2. She stated it's only new licensees or those that have not been licensed somewhere else prior to November 1, 2020, that are required to take the EPPP Part-2. Historically, that has been about 16 applicants per year for the last four years.

Dr. Young wondered how many of those individuals the ATEAM is working with each year to bring them up to equivalency before they're allowed to sit for exams.

The Executive Director stated very few applications go before ATEAM equivalency review. Many are not eligible because they don't meet the standard requirements to begin with.

Dr. Woodard wanted to address a point about skills-based exams for those that are PsyPact is that they are required to come from an APA-accredited program.

Dr. Owens stated that along with APA-accredited programs come with standards in both education and training including during the internship year. The PsyPact commission created those minimum standards to allow that mobility to licensure.

Dr. Moering stated he is not opposed to a skill-based exam, and need to address the concerns with the EPPP Part-2. He considered the idea of moving back to the skills based exam.

Dr. Woodard suggested the alternative of only requiring a skills-based exam for those applicants that are coming from non-APA accredited programs.

Dr. Benuto and Dr. Moering expressed agreement in Dr. Woodard's proposal, as it creates congruency with PsyPact.

Dr. Woodard stated this would mean they might have two separate exams, the skills exam and the jurisprudence exam.

Dr. Benuto recommended the jurisprudence exam could remain how it is, and the skill exam would be required for those that are going through ATEAM or coming from a non-APA accredited program.

Dr. Holland stated if the Board were to create a separate skills exam, it would take a lot more time and resources. She reiterated that psychologists in Nevada have a generalist license.

Dr. Woodard stated following the potential to waive the EPPP Part-2 recognizing that in early 2027, the combined EPPP Part-1 and 2 will be in effect, they would need something in the interim. So, if APA-accredited applicants were waived for the EPPP Part-2 and it is the Board's opinion that a skills-based exam needs to remain, they may need to do it in a step-wise approach where they maintain the EPPP Part-2 for a period of time, until the test construction and validation is completed for reinstating a skills-based exam.

Dr. Benuto suggested that all applicants take the EPPP Part-1 and the jurisprudence exam, and ATEAM applicants take the EPPP Part-2. That would leave a competency-based exam that would be congruent with some degree of PsyPact, and not create a large financial burden for the Board.

Dr. Woodard stated because they were at a crossroads with the old State Exam when they were early adopters and now there has been a move nationally to move back to a state exam, she stated she wonders if it would be worth the Board taking on the additional work to establish a skills-based exam.

Dr. Young wanted the Board to consider the costs and time associated with developing an exam that they may end up only using for about a year.

Dr. Pearson wanted to clarify that if the Board were to move in the direction of requiring the EPPP Part-2 just for those that attended non-APA accreditation program, that this would not prevent the Board from looking into the costs of reinstating the exam, but would allow them to make a decision today.

On motion by Robert Moering, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved requiring the EPPP Part-2 only for those that graduated from a non APA-accredited doctoral program who were not licensed elsewhere prior to November 1, 2020. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

On motion by Stephanie Woodard, second by Robert Moering, the Nevada State Board of Psychological Examiners approved Board staff exploring the cost and possibility of reinstating two versions of the state-based

competency exam. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

- D. Whether the Board should request an Opinion from the Attorney General's Office Regarding the EPPP-2.

The Executive Director shared that the Board had received a request that it obtain an opinion from the Attorney General's Office regarding the Board's EPPP-2 requirement for licensure, a request that the Board office circulated to the Board members. She stated as she read the request, the premise was that the EPPP Part-2 was obsolete, and having heard from ASPPB during this meeting, the information the ASPPB provided is contrary to that.

Dr. Benuto shared that given the motion that was made regarding the EPPP Part-2, she does not believe it is necessary.

Dr. Woodard agreed that due to the most recent motion on the EPPP Part-2, she does not believe that is necessary.

Dr. Moering informed that he also agreed that is it not necessary.

No action needed on this agenda item.

11. (For Possible Action) Discussion and Possible Action regarding Regulatory Guidance on R095-23 and the Release of Test Data (Response to 2023 AB244), including whether the Board should request an opinion from the Attorney General's Office.

Dr. Thomas Kinsora shared public comment. He stated that he believes the Iowa ruling is helpful as it is similar to R095-23. He stated that there are ongoing attempts from attorneys to get test materials, and the Board needs to remain vigilant. He stated it may be helpful to have a letter from the Board that reiterates the Board's concerns. He also shared that teaching psychologists in the state the importance of test security is important.

Dr. Benuto stated that the Board had a couple of requests to provide guidance regarding the protection of psychological testing materials. She shared that Laura had forwarded those requests to each of the Board members, and she requested and received some input from their Board counsel. She shared that it has also been suggested that the Board request an Attorney General's opinion on the requests and the scope of what the Board can do in response to these requests.

Dr. Moering stated that he would like to know what DAG Ward's opinion is on the matter and how to proceed.

DAG Ward stated that he would not be giving the formal Attorney General's opinion, and it would be up to the Board to do that. He can give guidance as to what questions they can ask of the Attorney General's opinion. He stated it is a lot easier for the AG's office to respond if the question is specific. He stated he the question would be, if the law states psychologists have to submit this test by a judges court order, but they are in conflict with their adopted ethics and code of conduct, there is a conflict between the code of ethics and a court order, what should one do. It will be up to the Board what they want to do.

Dr. Woodard shared that she is leaning in favor of requesting an opinion from the Attorney General's office as there is some inherent conflict between the current law and their standards of the Board and its nearly impossible to resolve themselves, as this has direct impact on their licensees.

DAG Ward added that he would not advise anyone to violate a court order. He stated there may be conflict with their code of ethics, but he would suggest someone follow a court order, and ensure one gets releases that they won't release it and agreements in writing that tests stay sealed. DAG Ward stated he can help draft a more specific question. He stated responses from the Attorney General's office can often take up to 6 months and costs the Board around \$5,000.

Dr. Pearson had concerns about making sure the question is drafted appropriately.

Dr. Lewis Etcoff shared public comment. He stated that he and other neuropsychologists have had this problem for years. He shared there are a number of attorneys that will behave unethically and would be more than happy to have every test question made available to them so train their clients on how to answer these questions. He stated if you can interfere with a psychologist and their evaluation, the attorneys have a lot to gain financially from doing so.

Dr. Kinsora added that whatever question is posed to the AG's office, that it not be in the form of "should someone follow or not follow a court order" because they know the answer to that. He stated there are other options a psychologist has such as leaving the case, etcetera.

Dr. Belmont stated she would like to see some inclusion of language to protect psychologists from leaving a case and avoiding repercussions. Dr. Belmont added that it really seems to be neuropsych testing that is at most risk.

Dr. Holland stated she does family court evaluations and she is not asked or required to record their sessions.

Dr. Baily stated her work has primarily been in criminal forensic work and they have not been asked to turn over raw data or materials. She also requested that if the question to the Attorney General could specifically address the conflict between the court order and other legal and ethical codes.

There was no additional public comment.

On motion by Robert Moering, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved seeking guidance from the Attorney General's office by way of requesting an opinion regarding the protection of psychological test materials in the manner prescribed by Board Counsel. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

The Executive Director presented the regulatory guidance document for R095-23. She shared that in 2024, the Board worked diligently to respond to 2023 AB244, which established certain rights to a person compelled to submit to a mental or physical examination, including that person's ability to have a third-party observer present during the examination. Included in the Board's response were regulation revisions that passed through the Legislative Commission as R095-23. The Board's Regulation Workshops and Hearings on the various proposed draft versions of R095-23 included a lot of public comment that sought clarity and distinctions in the terminology suggested and proposed for the regulation. She went on to share that the Board ultimately decided to approve a version of the regulation that would allow it to address its regulatory intent with guidance if that was deemed necessary. With Dr. Benuto's assistance, they have a draft document for that purpose. She shared that the first and second sections are just a background for the document and a recap of what the regulation revisions say and the third is some proposed regulatory guidance. She shared that in prior meetings on this proposed regulation guidance, there was a suggestion that they eliminate the first and second sections, and just have the third section as the guidance.

On motion by Robert Moering, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved the proposed regulatory guidance language for R095-23 and including the first two sections. (Yea: Lorraine Benuto, Stephanie Holland, Robert Moering, Catherine Pearson, and Stephanie Woodard.) Motion Carried: 5-0.

12. (For Possible Action) Discussion and Possible Action to Approve the Proposed Examination Retake Application Policy.

There were no updates provided on this agenda item and it was tabled for the next meeting.

13. (For Possible Action) Discussion and Possible Action to Approve a Revision to the Board's Employment, Compensation, and Evaluation Policy to add a Board Consultant position.

There were no updates provided on this agenda item and it was tabled for the next meeting.

14. (For Possible Action) Discussion and Possible Action on revising Question No. 20 on the Board's License Renewal Application Form to comply with 2013 SB338.

There were no updates provided on this agenda item and it was tabled for the next meeting.

15. (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 7, 2025, beginning at 8:00 a.m.

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

There were no requests for future Board meeting agenda items.

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

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

Dr. Bernadette Hinojos shared public comment. They stated that they appreciated the Board making the decision regarding the EPPP Part-2. They stated the score or

adjusting the passing score was not something the Board discussed and believes this is something that is important to consider because often those that come from non-APA accredited programs are those that are marginalized and may not have access to certain resources, which becomes a barrier to licensure and limits the pool of diverse practitioners.

There was no further comment in the Board office.

18. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Benuto adjourned the meeting at 11:36 a.m.