

STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

September 10, 2021

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

Call to Order: The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, PsyD, at 8:30 a.m. at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting was also conducted online via "Zoom."

Roll Call: Board President Whitney Owens, PsyD, Secretary/Treasurer Stephanie Woodard, Psy.D., and members Monique Abarca, LCSW, Stephanie Holland, PsyD, and Soseh Esmaeili, PsyD, were present.

Also present were Harry Ward, Deputy Attorney General, Dr. Gary Lenkeit, Board Investigator, Dr. Sheila Young, Board Investigator, Lisa Scurry, Executive Director, Don Cloud, Brian Lech, and Sara Hunt.

2. Public Comment

There was no public comment at this time. Lisa Scurry, Executive Director, stated no public comment had been received by the Board Office as of the start of the meeting.

3. (For Possible Action) Workshop to Solicit Comments on Proposed Regulations (See Attachment A); and Possible Action to Forward the Proposed Regulations to a Public Hearing at a Future Meeting of the Nevada Board of Psychological Examiners in Accordance with NRS Chapter 233B

President Owens opened the Public Workshop at 8:35 a.m.

Board President Whitney Owens, PsyD, Secretary/Treasurer Stephanie Woodard, Psy.D., and members Monique Abarca, LCSW, Stephanie Holland, PsyD, and Soseh Esmaeili, PsyD, were present for the Workshop.

There was no public comment provided.

Note: During discussion of Item A, members of the public created a disruption using inappropriate language. The meeting was paused with the zoom link being stopped and re-started. Upon re-starting the meeting, all in attendance were muted until acknowledged by the Board President.

A. Regulations Required as a Result of Assembly Bill 327 of 2021

Assembly Bill 327 mandates at least 2 hours of continuing education each renewal period in the area of cultural competency and diversity, equity, and inclusion. Director Scurry presented the draft regulation that would codify the changes to Nevada Revised Statutes into Nevada Administrative Code (NAC) 641.136 and 641.137. The latter provides details related to requirements for courses such as addressing persons of different cultural backgrounds.

There were no questions nor suggested changes to the draft language. No public comment was provided.

As the members were muted, the vote was acknowledged verbally and through the Zoom chat function.

On motion by Stephanie Woodard, second by Stephanie Holland, the Nevada State Board of Psychological Examiners forwarded the draft regulation related to Assembly Bill 327 to a public hearing as part of a future meeting of the Board in accordance with NRS 233B. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

B. Regulations Required as a Result of Assembly Bill 366 of 2021

President Owens presented the draft regulation for the implementation of Assembly Bill 366. Assembly Bill 366 was proposed by the Board to exempt as medical records video and audio recordings that are created for the purpose of training. The regulation would define recordings and training activities, and provide information related to informed consent requirements.

There were no questions nor suggested changes to the draft language. No public comment was provided.

As the members were muted, the vote was acknowledged verbally and through the Zoom chat function.

On motion by Soseh Esmaeili, second by Stephanie Holland, the Nevada State Board of Psychological Examiners forwarded the draft regulation related to Assembly Bill 366 to a public hearing as part of a future meeting of the Board in accordance with NRS 233B. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

C. Regulations Required as a Result of Senate Bill 44 of 2021

Director Scurry presented those provisions of Senate Bill 44 that could require adoption of regulations to revise the Nevada Administrative Code (NAC). The first would revise methods of communication between a supervisor and supervisee to change "availability of the supervisor by telephone" to "availability of the supervisor by remote means, including use of a remote technology system which uses electronic, digital, or other similar technology."

An additional change to the NAC was proposed related to fees for licensure by endorsement. It was proposed that language identical to the SB44 be placed within the NAC to be fully transparent related to assessment of fees. The proposed language would read, "NAC 641.019(3), If an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license by endorsement."

There were no questions nor suggested changes to the proposed changes. No public comment was provided.

On motion by Stephanie Woodard, second by Monique Abarca, the Nevada State Board of Psychological Examiners forwarded the draft regulation related to Senate Bill 44 to a public hearing as part of a future meeting of the Board in accordance with NRS 233B. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

President Owens asked for public comment at the conclusion of the Workshop. None was given.

4. (For Possible Action) Discussion and Possible Approval of the Minutes of the Meeting of the State of Nevada Board of Psychological Examiners from August 13, 2021.

There were no comments nor proposed changes to the minutes.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes from August 13, 2021. (Yea: Whitney Owens, Soseh Esmaeili, Stephanie Holland, Monique Abarca, and Stephanie Woodard) Motion Carries: 5-0

5. Financial Report

A. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for F/Y 2022 (July 1, 2021, Through June 30, 2022).

Secretary/Treasurer Stephanie Woodard and Lisa Scurry, Executive Director, presented the financial report. Expenses and revenues as of July 1 fell within the budgeted amount.

Dr. Woodard stated that work is ongoing to move items that were paid in July but should be attributed to the Fiscal Year 2021 budget. Ms. Scurry added that she is working with the bookkeeper to make those adjustments.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2022. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Stephanie Holland, and Monique Abarca) Motion Carries: 5-0

B. (For Possible Action) Discussion and Possible Action to Approve the Budget Reconciliation and Final Treasurer’s Report for F/Y 2021 (July 1, 2020, Through June 30, 2021).

This item was moved to a future Board meeting with no discussion or action taken.

6. Board Needs and Operations

A. Update and Report from the Nevada Psychological Association

Sara Hunt of the Nevada Psychological Association provided an update regarding discussions related to licensure at the master’s level.

B. (For Possible Action) Discussion and Possible Action to Replace Member Monique Abarca on the Application Tracking Equivalency and Mobility (ATEAM) Committee for a term ending June 30, 2022, from the current applicable Board members: Whitney Owens and Stephanie Holland.

Due to scheduling conflicts, Board member Monique Abarca has resigned from the ATEAM Committee. Member Dr. Stephanie Holland has volunteered to replace her on the committee.

On motion by Soseh Esmaeili, second by Monique Abarca, the Nevada State Board of Psychological Examiners appointed Stephanie Holland to serve on the Application Tracking Equivalency and Mobility (ATEAM) Committee in place of Monique Abarca for a term ending June 30, 2022. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Stephanie Holland, and Monique Abarca)
Motion Carries: 5-0

C. Report From the Executive Director on Board Office Operations

Lisa Scurry, Executive Director, provided information regarding the work of the Board office. Statistics reviewed included the number of applications received, licenses and registrations issued, complaints received, and continuing education applications received and approved.

There was no discussion.

7. (For Possible Action) Discussion and Possible Action to Provide Guidance on Matters Related to the Covid-19 Pandemic and Governor Sisolak’s Directive 011. Discussion May Include Options for Temporary Licensure to Ensure Continuity of Care for Patients Being Seen by Out-Of-State Providers when the Provisions of Directive 011 Expire, Licensure Renewal, Continuing Education Credits, Supervision Concerns, Obtaining Clinical Hours for Licensure, and the Use of Telepsychology and Interjurisdictional Practice.

Member Dr. Stephanie Woodard updated the Board on a survey being created by Health and Human Services. The survey would be used by the licensing boards to gather information from those who have received temporary registration to practice under Directive 011.

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

Harry Ward, Deputy Attorney General, provided an update on items A-D.

- A. Complaint #19-0626. This matter is currently in litigation and is pending final resolution.
- B. Complaint #19-0709. This matter is on hold due to litigation and is pending final resolution.
- C. Complaint #19-1106. This matter is being monitored and is pending final resolution.
- D. Complaint #19-1223. This matter is being monitored and is pending final resolution.
- E. Complaint #20-0501. There was no update.
- F. Complaint #20-0818. There was no update.
- G. Complaint #20-0819. There was no update.
- H. Complaint #21-0513. There was no update.
- I. Complaint #21-0524. There was no update.
- J. Complaint #21-0702. Board investigator Gary Lenkeit informed the Board this matter is nearly completed and would likely be resolved for the October meeting.
- K. Complaint #21-0726. There was no update.
- L. Complaint #21-0810. There was no update.
- M. Complaint #21-0816. There was no update.

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.

President Owens presented the following names for approval of licensure, contingent upon completion of all licensure requirements.

On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the following applicants for licensure, contingent upon satisfactory completion of all licensure requirements: Corby Bubb, Nicholas Carfagno, Georgia Dalto, Alexander Kuhl, Jonine Nazar-Biesman, and Michael Stein. (Yea: Whitney Owens, Stephanie Woodard, Soseh Esmaeili, Stephanie Holland, and Monique Abarca) Motion Carries: 5-0

A. (For Possible Action) Discussion and Possible Action to Issue a License to Practice Psychology to Applicant Elysse Kompaniez-Dunigan Under the Supervision of a Licensed Psychologist until she obtains a passing score on the EPPP Part-2 and contingent upon completion of all other licensure requirements

This item was removed with no discussion nor action taken.

B. (For Possible Action) Discussion and Possible Action to Issue a License to Practice Psychology to Applicant Andrew Hickman Under the Supervision of a Licensed Psychologist until he obtains a passing score on the EPPP Part-2 and contingent upon completion of all other licensure requirements

(This item was taken out of order.)

Director Scurry informed the Board that Dr. Andrew Hickman was requesting a provisional license until such time as he takes and passes the EPPP Part-2. She added that the Board has provided licensure under the following conditions for two previous applicants: the test will be taken and passed within one year, the licensee will remain under supervision, and licensure is contingent upon completion of all other licensure requirements. Dr. Soseh Esmaeili has confirmed she will remain the supervisor of record until Dr. Hickman completes the licensure requirements.

Dr. Andrew Hickman stated that he was scheduled to take the EPPP Part-2 in October.

Dr. Soseh Esmaeili abstained from voting in the matter.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved Dr. Andrew Hickman to be license eligible with the caveat that he remains under the supervision of Dr. Soseh Esmaeili until he receives a passing score on the EPPP Part-2, contingent upon satisfactory completion of all other licensure requirements, and not to extend beyond September 8, 2022, without further approval of the Board. (Yea: Whitney Owens, Stephanie Woodard, Stephanie Holland, and Monique Abarca. Abstain: Soseh Esmaeili) Motion Carries: 4-0

C. (For Possible Action) Discussion and Possible Action on the Application of Michelle Hardy, whose license from another jurisdiction has not been active for more than 2 years

Dr. Michelle Hardy applied for licensure in Nevada after allowing her license in California to expire upon retiring more than two years ago. Prior to the meeting, Dr. Hardy withdrew her application.

The Board discussed the application in order to establish how similar applications will be handled in the future. A licensee in Nevada, who is seeking to reactivate their license, would be required to complete continuing education courses for the prior renewal period. President Owens asked the Board to consider how to handle similar situations when the applicant is coming from another jurisdiction.

President Owens stated her belief that an individual that has not been practicing should be required to complete at least 30 hours of continuing education, including those related to ethics. She asked if consideration should be given to the length of time that had passed since the individual last had an active license.

Member Dr. Holland asked if the number of continuing education credits should equal the number that would have been taken depending on the number of years since they had practiced.

Member Dr. Woodard added that during review of applications, the ATEAM Committee will ask applicants about their goals and the venue in which they plan to practice. She also asked about the obligation of the individual related to the Code of Ethics to ensure they have the skills necessary to practice. She equated those questions to those asked of an individual seeking to re-specialize.

Director Scurry stated the discussion will be drafted into a policy to return at a future meeting of the Board.

There was no action taken by the Board.

D. (For Possible Action) Discussion and Possible Action on the Application of Lori Haggard, whose license from another jurisdiction has not been active for several years

Dr. Lori Haggard was originally licensed in Indiana in 2005 but the license was allowed to expire as she works for the federal prison system. Although continuing education is not required, she provided proof of 16 continuing education hours, taken over the past 18 months, in suicide, addiction and multi-cultural issues.

President Owens suggested that specific courses in ethics should be completed.

Dr. Haggard was present and explained that she had taken other continuing education but had no evidence of completion of those courses. She also clarified that the licensure in Indiana was temporary and that she needed to take and pass the EPPP.

It was suggested that Dr. Haggard's application be forwarded for review by the ATEAM Committee.

10. (For Possible Action) Discussion and Possible Action on the Nevada State Examination for Licensure as a Psychologist, including data related to the administration and proctoring of the exam. Possible action may include consideration of entering into a contract with a psychometrician for additional evaluation of any or all of the three versions of the exam based on 50 administrations of the exam in 2021.

Member Dr. Stephanie Holland, State Exam Chair, and Director Scurry presented information about the Nevada State Examinations. Director Scurry reminded the Board that upon administration of 50 exams in the new online format, the item would be brought back for discussion. The Board was asked for additional time while Dr. Holland and Ms. Scurry completed a review of the exam questions and evaluated the pass/fail statistics on the three versions of the exam.

There was no further discussion nor action taken on the item.

11. (For Possible Action) Discussion and Possible Action to Create a Master's Degree Level License and/or a Psychological Assistant (Post-Doctoral) License

There was no discussion nor action taken on this time. It will return on a future agenda.

12. (For Possible Action) Discussion and Possible Action to Adopt Procedures Related to Registration and Supervision of Psychological Interns and Psychological Trainees in accordance with Nevada Administrative Code (NAC) Chapter 641

Director Scurry provided the Board with draft policies documenting the procedures for the registration and supervision of psychological interns and psychological assistants. She requested the Board review the documents over the next few weeks. They will return for the October meeting for possible adoption.

13. Legislative Update

A. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, During the 2023 Session of the Nevada State Legislature

The Board has proposed a change to Nevada Revised Statutes that would require psychologists employed by a public agency to be licensed. As conversations with the Nevada Department of Corrections are ongoing, the item will return at a future meeting.

14. (For Possible Action) Discussion and Possible Action on Regulations Proposing Changes to Nevada Administrative Code (NAC) Chapter 641 in Accordance with Nevada Revised Statutes (NRS) Chapter 233B

Lisa Scurry, Executive Director, provided an update on the status of the following regulations / proposed changes to the Nevada Administrative Code Chapter 641. Items A and E have been submitted to the Legislative Counsel Bureau for final adoption. Public hearings and/or workshops will be scheduled for the remaining items.

- A. R057-19: Fees
- B. R058-19: Endorsement Language
- C. R114-19: Foreign Graduates
- D. R115-19: Supervision, payment of psychological assistant, Closure of a Practice
- E. R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.
- F. R174-20: Code of Conduct
- G. R175-20: Removal of "Moral"
- H. Removal of "Behavior Analyst" ...
- I. Regulations related to Assembly Bill 327
- J. Regulations related to Assembly Bill 366
- K. Regulations related to Senate Bill 44

15. (For Possible Action) Discussion of U.S. District Court Case 2:20-CV-00651-KJD-VCF Where the State of Nevada Board Psychological Examiners is a Named Defendant.

Harry Ward, Deputy Attorney General, provided an update on the status of the case, Walter vs the Board. The discovery phase in the matter is ongoing.

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

There were no questions nor proposed changes to the schedule of upcoming meetings.

- A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, October 8, 2021, at 8:30 a.m.
- B. The Strategic Planning Work Session is tentatively scheduled for Friday, October 8 and Friday, November 12 following the regularly scheduled Board meetings on those dates.

- C. The ASPPB 61st Annual Meeting of Delegates “Public Protection Through Prevention” is scheduled for October 15 – 16, 2021. This will be a virtual meeting.

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

There were no suggested agenda items for future Board meeting.

18. Public Comment

There was no public comment at this time.

19. (For Possible Action) Adjournment

There being no further business before the Board, President Owens adjourned the meeting at 10:05 a.m.