



STATE OF ARIZONA
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DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKKONEN, M.P.A.
Executive Director

Committee on Behavior Analysts

REGULAR SESSION MINUTES

January 8, 2021 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

The meeting was called to order by Dr. Davis-Wilson at 9:30 a.m.

2. ROLL CALL

Committee Members Present

Diana Davis-Wilson, DBH, BCBA
Bryan Davey, Ph.D., BCBA-D
Tisha Denton, M.Ed., BCBA
Donald Stenhoff, Ph.D., BCBA-D

Committee Members Absent

Paige Raetz, Ph.D., BCBA-D

Staff Present

Heidi Herbst Paakkonen, Executive Director
Jennifer Michaelsen, Deputy Director
Kathy Fowkes, Licensing Specialist

Assistant Attorney General Present

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

- **General Committee Remarks, Announcements and Updates**

Dr. Davis-Wilson thanked the staff for their prompt follow through with implementing the Committee's requests and recommendations. She also acknowledged and thanked the members for preparing for a particularly lengthy meeting agenda.

- **Welcome New Committee Member – Tisha Denton, M.Ed., BCBA**

Dr. Davis-Wilson introduced the recently appointed Ms. Denton. Ms. Denton expressed her appreciation for her appointment to the Committee, and summarized her educational and professional background. The Committee

members described having followed Ms. Denton’s career as a behavior analyst in Arizona and stated she will be a highly effective member who will serve the public very well.

The Committee also acknowledged the recent passing of Dr. Bohanske, noting his tremendous and numerous contributions to the field and to regulations

4. APPROVAL OF MINUTES

A. December 3, 2020 Regular Session Minutes

MOTION: Dr. Davis-Wilson moved to approve the minutes as drafted. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 3-0.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMPLAINTS AND RECOMMENDATION TO THE BOARD

A. Complaint No. 20-51, Dylan Huff

Ms. Denton recused from the review of ,and participation in, this agenda item.

The complainant SM was present and indicated she was asked to speak on behalf of AA, the mother of the child identified in the investigation. SM stated that the issue concerns the transition of care letter sent by Mr. Huff to AA, a copy of which was issued to the estranged father which was perceived by AA to be retaliatory in nature. SM stated that services to the child were provided by both Mr. Huff and Mrs. Huff, and she questioned who was supervising Mrs. Huff during this period of time as she was not licensed. AA stated that she disagrees with several statements in the letter and believes the intent of the letter was to create friction between herself and father.

In response to Committee questioning, AA stated she had never heard the name of Samantha Lemons, the licensed behavior analyst who assumed responsibility for supervising Mrs. Huff. AA affirmed that she witnessed RBTs supervised by Mrs. Huff, providing services to her child.

Mandi Karvis introduced herself as legal counsel for Mr. and Mrs. Huff. She stated that the contents of the letter were appropriate, that father was entitled to have the information supplied in the letter, and she refuted that the intent of the letter was to elicit the reaction that AA described. Ms. Karvis indicated that Mrs. Huff represented her credentials as an unlicensed person appropriately on the agency website and in the process did not mislead the public to conclude that she is licensed. Ms. Karvis stated to the committee that the RBT handbook of the BACB permits BCaBAs to provide supervision to RBTs, and further stated that at no time did Mr. Huff supervise his wife. The Committee noted that the laws of Arizona supersede the guidelines established by the BACB.

Mrs. Huff described her supervisory arrangements under Samantha Lemons and Nicole Collins. She explained that previously her role at the agency consisted of writing training plans and curriculum and delivering training to RBTs. She stated that she was of the understanding that she could supervise RBTs. She stated she now performs mostly administrative duties, billing, intakes and chart reviews for accuracy. She stated her BCaBA temporarily lapsed earlier this year, but it is now current. She admitted that she regrets not doing further research into the licensure requirements of Arizona law. In response to questioning concerning how her role is made clear to clients, she indicated that this could have been unclear and she could have done better to explain her unlicensed status.

The Committee asked for specific examples as to why the agency staff were uncomfortable providing services in AA’s home. Mr. Huff indicated that AA attempted to engage them in unprofessional conversations, and AA attempted to interfere in the child’s treatment. The Committee questioned Mr. Huff

relative to the actions taken to mitigate these situations, and he described some of their strategies. Mr. Huff explained that the agency has modified its practices such that parent training and parent communications are now incorporated into the clinical record, rather than stored outside the file. The Committee noted that there are some missing dates on the treatment plan and also in the treatment record.

Mrs. Huff described the agency's rationale for shifting away from telehealth to resume in-person services, and how families were notified. The Committee questioned the decision to cancel the child's care; Mr. Huff explained it was made prior to COVID and was made on the basis of the issues with AA, primarily the history of frequent cancellations and AA attempting to engage staff in unproductive conversations. The Committee noted the Code of Ethics 2.15 that requires efforts to remediate the issues with AA prior to termination. Mr. Huff indicated that verbal warnings were issued but these were not documented. The Committee noted that the criteria to terminate or transfer care must be documented and defensible.

In response to Committee questioning, Mr. Huff described the three points of contact they had with father and the level of engagement during these interactions.

Mrs. Huff admitted to the Committee that upon earning her BCBA she had "no clue" about the Arizona Board of Psychologist Examiners and the requirements that she must be licensed.

MOTION: Dr. Davis-Wilson moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davey seconded the motion.

VOTE: The motion was approved 3-0.

The Committee met in Executive Session from 11:43 a.m. to 12:00 p.m. The Committee subsequently took a break until 12:15 p.m.

The Committee members deliberated the case concerning Mr. Huff (20-51), noting that the content of the release of services letter was problematic from an ethics perspective, and that it lacked documentation to substantiate its contents. The members discussed the fact that Mr. Huff's conduct raises some concerns relative to the Code of Ethics where transfer of care of the client was concerned. The discussion reflected that while there is no evidence on the part of Mr. Huff to cause harm, his actions could be perceived by the client's mother to have done so. While there isn't any evidence of gross negligence, the Committee also noted the record appears to reflect that the client's interest did not always rise above the needs of the business and its employees.

The deliberation further reflected that Mr. Huff admits to instances of lack of awareness of the requirements of the BACB Code of Ethics as it relates to client relationships. The discussion also noted how both perceived and real harm can be caused by communications issued to clients that are not well thought out and that are not supported by documentation.

MOTION: Dr. Davey moved to forward the case to the board with a recommendation the licensee be issued a Letter of Concern citing conduct that, if not corrected, would constitute violations of the Code of Ethics specific to sections 2.0; 2.2; 2.15 A, C and D; and 4.1A. The motion included Mr. Huff be issued a non-disciplinary order for continuing education to consist of 24 hours in the content areas of ethics, professionalism, custodial care, forensics, and family members as partners. Eight of those hours must focus on forensics and family matters (3 of which must be completed within 45 days of the effective date of the order), and the remaining 16 hours to be completed within 180 days shall consist of self-study with a behavior analyst mentor and expert in the ethics code who is approved by the Committee Chair. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 3-0.

B. Complaint No. 20-52, Paige Huff

Ms. Denton recused from the review of ,and partipation in, this agenda item.

The deliberation for this case reflected the fact that Mrs. Huff should have been aware of the requirement to be licensed for a multitude of reasons, including the fact that she frequently engaged, and worked very closely, with licensed behavior analysts. The members discussed that the BACB Code of Ethics language addresses this issue in several instances, such as that specific to integrity, and that which addresses serving as a model example and emulating an ethical culture for employees. It was noted that RBTs reporting to her were placed at risk given that they did not receive adequate supervision by a licensed behavior analyst, and that this complaint could have implications to her Texas license. The Committee further noted that the BACB instructs certificant to be aware of state licensure requirements. The deliberation also reflected that Mr. and Mrs. Huff erroneously concluded that staff turnover is a function of conflicts with families when in actuality turnover occurs as a result of poor organizational practices. The members concurred that the complainant was not provided any notice or opportunity to take her concerns to Ms. Lemons, Mrs. Huff's supervising LBA. At the of the day, Arizona requires licensure which is a fact of which Mrs. Huff is aware, and yet she functioned for some time as an LBA without a license.

MOTION: Dr. Davey moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davis-Wilson seconded the motion. The motion was approved 3-0.

The Committee met in Executive Session from 1:16 p.m. to 1:28 p.m.

Upon resuming in public session, the Committee discussed whether Mrs. Huff's conduct is best addressed by disciplinary or by non-disciplinary action. The deliberations identified a number of statutes that Mrs. Huff may have violated to include A.R.S. §32-2091 at subsections (12)(k) and also the language in that statute specific to title violation. The Committee tabled the discussion in order to address her open application before the Committee on this agenda (item 5.B.6.).

6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO THE APPROVAL OR DENIAL OF BEHAVIOR ANALYST APPLICATION FOR PAIGE HUFF, M.S.

Ms. Denton recused from the review of ,and partipation in, this agenda item.

The Committee proceeded with a substantive review of the application. The discussion reflected that Mrs. Huff provided supervision to other persons while she was not licensed. Additionally, it was noted Mrs. Huff's supervisor, Ms. Lemons, was not licensed in Arizona for a period of the time that Mrs. Huff reported on her application, thus disqualifying those hours. The Committee discussed the fact that given Mrs. Huff had previously completed the licensure requirements in Texas she therefore should have anticipated and prepared for completing the licensure requirements in Arizona. The members expressed some frustration that the applicant is presenting information that reflects her lack of understanding of Arizona's licensure requirements, and noted that this matter potentially calls into question the conduct and judgment of Mrs. Huff's supervisor.

Ms. Galvin advised the Committee to communicate to Mrs. Huff the number of deficient hours of supervised experience, and to table taking action on the complaint as the matters are related in such a way that the Committee's recommendations need to be formulated for both the application and the complaint together. The application deficiencies include for question #7 she needs to indicate which state agency licensed her, for question #6 she needs to indicate "not applicable", and the supervised experience forms needs to be corrected, current and complete. The members agreed by consensus to direct staff to request the information from Mrs. Huff in the form of a FAIR letter and to bring the application and the complaint back on a future agenda once the application is complete.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO THE BEHAVIOR ANALYST TEMPORARY LICENSE APPLICATION FOR PAIGE HUFF, M.S.

Ms. Denton recused from the review of ,and participation in, this agenda item.

The parties agreed to close out the temporary application in light of the fact that Mrs. Huff has an application for licensure pending before the Committee and the Board.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS

A. Behavior Analyst Applications for Licensure

1) Amanda Marie Hinline, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, however the applicant needs to record the missing answer on #6. The Committee determined the application can be forwarded to the Board with a recommendation for approval once she supplies the missing response.

2) Brianna Rios-Robles, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

3) Cheyenne Cody-Da Rosa, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

4) Claire L. Piper, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

5) Courtney M. Broome, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

6) Desirea Satterwhite, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, however the applicant needs to record the missing answer on #19. The Committee determined the application can be forwarded to the Board with a recommendation for approval provided the applicant supplies a satisfactory answer.

7) Emilie Jean Newman, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee discussed the fact that she worked previously as a “behavior support specialist” but concurred that this information does not warrant additional explanation given that she is certified by the Arizona Department of Education. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

8) Eva Santana, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that dates of her supervised practice appear to have been listed erroneously. The Committee directed staff to request clarification and additional information from the applicant in the form of a FAIR letter and to bring the application back on a future agenda once it is complete.

9) Jennifer Jung Fuchs, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

10) Jenna Rae Laibe, M.Ed.

The Committee proceeded with a substantive review of the application, noting that the applicant provided an update to her file relative to a change of name. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

11) Kathleen E. Panitz, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

12) Kristen Terrell, M.Ed.

MOTION: Dr. Davis-Wilson moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0

The Committee met in Executive Session from 9:41 a.m. to 9:53 a.m.

Upon resuming the meeting in public session Dr. Davis-Wilson and Ms. Denton indicated they are recused from the review of the application. The Committee acknowledged that due to a lack of quorum for this matter the application will be tabled to the next meeting of the CBA.

13) Lizette Williams, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

14) Michelle Orellana, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

15) Nicholas Cuellar, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

16) Stacy DeMaranville, M.Ed. (FAIR*)

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

17) Taylor David Thomas, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

MOTION: Dr. Davey moved to forward all complete applications to the full Board with a recommendation for approval with the exception of that for Eva Santana, M.Ed. to whom a FAIR letter will be issued, and of those for Amanda Marie Hinele, M.Ed. and Desirea Satterwhite, M.A. who will be advised to make application corrections as reflected by the discussion. The motion also reflected that the application for Kristen Terrell, M.Ed. will be reviewed on a future meeting agenda. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 4-0.

**First Additional Information Request*

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)

Ms. Paakkonen reported that the BACB shared some information relative to the updated Code of Ethics that will be in effect January 1, 2022. The discussion reflected the fact that the rule A.A.C. R4-26-406 Ethical Standard states that the most current code will be enforced unless it is determined that it does not effectively protect public health and safety. The members noted that the 2022 code does not consist of substantial changes to the current code, but the organization of the content has changed rather significantly.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LICENSURE AND REGULATORY ISSUES RELATIVE TO COVID-19

Ms. Paakkonen advised the Committee that staff is receiving some questions from licensees relative to accessing the vaccination. Staff has been instructed by the Arizona Department of Health Services to send inquiries to a dedicated email address. She also affirmed that many of the licensure waivers are tied to the conclusion of the state of emergency declaration, and that she will research this issue and provide an update once she has information to report.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ELECTION OF 2021 COMMITTEE CHAIR

Ms. Paakkonen reminded the Committee that A.R.S. §32-2091.15 requires the CBA to annually elect a Chair from among its members.

MOTION: Dr. Davey nominated Dr. Stenhoff to serve as CBA Chair effective January 22, 2021. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 4-0.

12. NEW AGENDA ITEMS FOR FUTURE MEETINGS

No items were suggested. The members were reminded that the special meeting with stakeholders is scheduled for January 22, 2021.

13. ADJOURNMENT

MOTION: Dr. Davey moved to adjourn the meeting. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 4-0. The meeting adjourned at 3:01 p.m.