



STATE OF ARIZONA
BOARD OF PSYCHOLOGIST EXAMINERS
1740 WEST ADAMS STREET, SUITE 3403
PHOENIX, AZ 85007
PH: 602.542.8162 FX: 602.542.8279
WEBSITE: www.psychboard.az.gov
EMAIL: kathy.fowkes@psychboard.az.gov

DOUGLAS A. DUCEY
Governor

HEIDI HERBST PAAKONEN
Executive Director

Committee on Behavior Analysts

REGULAR SESSION MINUTES

February 5, 2021 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

The meeting was called to order at 9:30

2. ROLL CALL

Committee Members Present

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

3. REMARKS/ANNOUNCEMENTS

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

Dr. Stenhoff welcomed Committee members and staff and expressed gratitude to the members for their support and for their efforts in preparing for this meeting. He observed that the team members work very well together and commended them for their commitment to protecting the public

4. APPROVAL OF MINUTES

- January 8, 2021 Regular Session Minutes
- January 8, 2021 Executive Session Minutes
- January 22, 2021 Special Meeting Minutes

MOTION: Dr. Davis-Wilson moved to approve all three sets of minutes. Dr. Davey seconded the motion. Dr. Raetz announced she is recused from the vote of the January 8, 2021 Regular and Executive Session minutes.

VOTE: The vote was 4-0 for the January 8, 2021 sets of minutes and 5-0 for the January 22, 2021 minutes.

5. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SCHEDULING OF THE NEXT SPECIAL MEETING WITH STAKEHOLDERS

The Committee members selected Friday, March 26, 2021 from 8:30 a.m. to 11:30 a.m. as the date of the next meeting with the stakeholders. Raekel Elzy from AzABA was present and affirmed that date and time is acceptable to their group.

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

A. Complaint No. 20-52, Paige Huff

Ms. Denton stated for the record that she is recused from this agenda item.

Dr. Davey summarized the status of the complaint investigation, noting that it was previously reviewed by the Committee during its most recent meeting on January 8, 2021. He noted now that Ms. Huff has a complete application file, the charge of the Committee is to arrive at a recommendation to the Board concerning a final disposition of this case in conjunction with making a recommendation to the Board on the pending application.

Mrs. Huff and Ms. Karvis were present for the review and discussion. Ms. Karvis noted that additional materials were submitted to the Committee since last month's meeting, and she indicated that they would answer questions. Mrs. Huff stated that she has implemented changes to their website and to their forms and procedures based on the Committee's previous discussion and feedback. She affirmed that she updated the RBT records to reflect they are appropriately under licensed supervision; her role, she explained, with respect to the RBTs was as a trainer while she was a BCaBA. The Committee discussion reflected that while a BCaBA can train RBTs, that BCaBA must be supervised by a licensed behavior analyst which is considered to be a component of the practice of behavior analysis.

Ms. Huff admitted to having little knowledge of the Arizona statutes and rules specific to the regulation of behavior analysis. Ms. Karvis indicated that since the investigation of this complaint Ms. Huff has been responsive to the Committee's concerns and has worked to address and correct the issues identified. She further stated that she has completed self-study of the statutes and rules and is receptive to completing additional education. Ms. Huff stated that she is willing to be licensed under any arrangement the Board offers.

MOTION: Dr. Davis-Wilson moved to meet in Executive Session to obtain legal advice. Dr. Davey seconded the motion.

VOTE: The motion was approved 4-0. The Committee met in Executive Session from 10:12 a.m. to 10:48 a.m.

The complainant AA was present and stated that parents have the right to know who is working with their child and to have clarity with respect to that person's compliance status with the law. She stated that given the relationship of the company owners it was difficult to communicate her concerns and get them resolved. She further stated that there was a gap in services for her child which was problematic. AA stated that while she was pleased Mrs. Huff appears to have resolved the Committee's concerns, she feels that Mrs. Huff should have known the requirements of the law. She further stated that her primary concern is her child's well-being and she hopes that no harm comes to other families.

The Committee deliberation reflected that its charge is to protect the public. The members affirmed that even new professionals need to be acutely aware of the law and the Code of Ethics. The discussion further noted that Mrs. Huff was practicing as a behavior analyst for a period of time due to ignorance and not malice. Mrs. Huff's efforts to remedy the concerns and the violations were acknowledged, but the Committee stated that harm was done to the client and family nonetheless. The Committee's discussion reflected that support and guidance appears to be appropriate in order to ensure that Ms. Huff can work with families safely and appropriately. The Committee noted that behavior analysts must maintain knowledge of their legal responsibilities.

The Committee cited concerns and questioned how to hold accountable Ms. Huff's supervisors who should have known unlicensed practice is a violation of Arizona law. The discussion noted there is a pervasive lack of knowledge of the requirements of the statutes and rules within the organization owned by Mr. and Ms. Huff and the other professionals who supervised Mrs. Huff. For purposes of resolving this complaint the Committee acknowledged that the current focus needs to be on Ms. Huff's conduct while establishing on the record that further education for members of the behavior analytic profession appears to be necessary. The Committee commented that the organization needs to engage a business consultant to make reforms to their operations and to address the skill gaps that were identified in the process of reviewing this case.

In response to Committee questions, Ms. Galvin affirmed that the complaint can be resolved with concurrent action on the application for licensure.

The discussion focused on the following sections of the BCBA Code of Ethics: 1.0 Responsible Conduct of Behavior Analysts; 1.02(s) Boundaries of Competence; and 1.04(d) Integrity. The Committee also identified A.R.S. 32-2091(12)(k), Violating any federal or state law that relates to the practice of behavior analysis or to obtain a license to practice behavior analysis

7. 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.

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

It was the consensus of the Committee that the recommendation to the Board of a denial of the license is not appropriate. The Committee members concurred that dismissal and any non-disciplinary actions are not adequate in terms of addressing the applicant's conduct. The Committee discussed that a Consent Agreement could be offered to the applicant under which her license will be granted, and which imposes certain conditions and corrective actions to which she has indicated she is willing to agree. The code section 1.02 was mentioned as any remedial action needs to address ABA business competencies to include supervision, training and oversight. The section 5.01 Supervisor Competence was also identified as being relevant to the

complaint. Ms. Galvin advised that all Code violations are cited under A.R.S. §32-2091(12)(dd) violating an ethical code.

The members concurred the findings of fact included concerns that Ms. Huff practiced as a behavior analyst without a license which included supervising RBTs, signing client treatment plans, written communications to AA that were not merely administrative in nature, and he misrepresentation of her professional credentials. Additionally the Committee found that the business she co-owns lacks appropriate complaint policies and procedures.

MOTION: Dr. Davey moved Ms. Huff be granted a license pursuant to a consent agreement imposing a twelve month term of probation during which the licensee shall meet with a Board approved practice monitor who will conduct a needs assessment and review of her practice and the agency operations (this person must have no relationship to or previous engagement with any agency personnel). The practice monitor shall issue quarterly reports to the Board, and Ms. Huff must meet with the monitor at a minimum of twice a month with each session being at least 2 hours for the initial 6 months; the monitor may recommend a reduction in the frequency of the sessions after a minimum of 6 months. The motion included a term requiring Ms. Huff complete pre-approved continuing education activities (in addition to those required for her license) in ethics and business practices with Code sections 1.0, 1.02, 1.04 and 5.01 being the focus, and with at least 3 credits in each of those content areas for a total of 9, all of which are to be pre-approved by the Chair. Additionally a recommendation was made that Mrs. Huff join certain professional associations to avail herself of resources and best practices to make improvements to her practice and business operations. The motion further reflected that Ms. Huff will have 14 days to sign the consent agreement, and that refusal on her part to do so will result in a denial of her license. Finally the motion directed Board staff to inform the Texas Board of Behavior Analysis and the BACB of this action. Dr. Raetz seconded the motion.

DISCUSSION: Ms. Galvin affirmed that this action, if approved by the Board, serves as a final action for the application and for the disposition of the complaint. The members acknowledged this has been a challenging process for all involved but the intent of this recommendation is to help ensure she is the best LBA she can be. Encouraged her to learn and do socially significant things to help society. that the outcome

ROLL CALL VOTE:

Dr. Stenhoff - yes
Dr. Davis-Wilson - yes
Dr. Davey - yes
Dr. Raetz - yes

AA thanked the Committee for its thoughtful review of this complaint. Ms. Karvis thanked the Committee and stated confidence that Ms. Huff will make the most of this opportunity and this experience.

The Committee took a break from 12:00 p.m. to 12:10 p.m.

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) Aketzali, Balderrama-Hernandez, M.S.

Ms. Balderrama-Hernandez was present for the review and discussion of her application. 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. Dr.

Stenhoff moved to meet in Executive Session in order to receive legal advice for this application. Dr. Davis-Wilson seconded the motion. The motion was approved 5-0.

The Committee met in Executive Session from 9:52 a.m. to 10:04 a.m.

Upon resuming the meeting in public session the Committee included its recommendation for this application with that of Ms. Gabrielle Piette below.

2) Cesar A. Quijada, M.S.

Dr. Stenhoff disclosed for the record that he previously consulted with the applicant in a limited capacity, but that he is able to vote objectively on the application. Mr. Quijada was present for the review and discussion of his application. 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 the application of Cesar A. Quijada, M.S. to the Board with a recommendation to grant licensure. Dr. Davis-Wilson seconded the motion.

The Committee members commended the applicant for electing to practice with an underserved population in a rural area of Arizona.

VOTE: The motion was approved 5-0.

3) Ciera Couldry, M.A.

Dr. Davis-Wilson disclosed for the record that she recognizes the applicant's name but she is able to vote objectively on the application. 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) Debra Dallman, 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.

5) Emily Urban, 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.

6) Gabrielle Piette, M.Ed.

Ms. Piette was present for the review and discussion of her application. The review noted that Ms. Piette supplied some information relative to her former employer concerning the separation of her employment. Additionally she will need to complete question 3, the answer to which can be supplied to Board staff.

MOTION: Dr. Davis-Wilson moved to forward the applications of Ms. Balderrama-Hernandez and Ms. Piette to the Board with a recommendation to grant licensure (in the case of Ms. Piette she must supply the missing information in order to be on the Board's next agenda). Dr. Raetz seconded the motion.

VOTE: The motion was approved 5-0.

7) Jennifer Lee Griggs, M.A.

Dr. Davis-Wilson disclosed for the record that she is recused from the consideration of this application. 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.

8) Katherine E. R. Shepherd, 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.

**9) Lindsay Noelle Campbell, M.S.
(FAIR*)**

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that there is a period of 18 days during which supervision hours reported by the applicant were supplied by someone who was ineligible to serve in that capacity. While the applicant supplied an explanation as to the date when supervision began, the documentation itself is incorrect. Ms. Fowkes noted that she contacted the applicant with a request to supply a correction but one was not submitted. Ms. Galvin advised that in the second request to the applicant, staff can indicated that failure to respond could result in a denial of the application.

10) Lola Calandra, 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.

11) Meagan Dant, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that while the materials submitted were complete and fulfilled the requirements of statutes and rules, questions 1, 6 and 19 were unanswered and ideally should be completed. The Committee directed staff to obtain those answers prior to the application being presented to the Board with a recommendation for approval.

12) Myesha Arguellas, 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.

13) Natalie Bock, 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.

14) Rochelle Norman, 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) Ryan Thomas Glasgow, M.A.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the applicant reported having accrued supervised hours for a period of time that exceeded that which is allowed by Board rule and by the BACB per month. The Committee members concurred that additional information in the form of either logs or a weekly breakdown of the hours would provide the needed clarity to arrive at a recommendation for the application. Staff was directed to issue a FAIR letter to obtain that information.

16) Tracey Harris, 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.

The Committee expressed concerns that Board staff requested information from one of the applicant's supervisors who is a licensed behavior analyst in Arizona. The Committee directed staff to place this matter on a future agenda for purposes of discussing whether to open a complaint concerning the fact that he has been unresponsive to his former supervisee. Ms. Galvin reviewed with the Board the statute A.R.S. §32-2091(12) at (bb) which states it is unprofessional conduct to fail to furnish information in a timely manner to the board or its investigators or representatives if requested or subpoenaed by the Board. Ms. Fowkes explained that her attempts to find the individual were not successful as his contact information on file may not be current and accurate.

17) Victoria M. Boone, 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.

18) Zarah K. Mason, M.S.

Ms. Mason was present for the review and discussion of her application. 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: Ms. Denton moved to forward the applications of Ciera Couldry, M.A.; Emily Urban, M.S.; Katherine E. R. Shepherd, M.A.; Lola Calandra, M.Ed.; Myesha Arguellas, M.A.; Natalie Bock, M.Ed.; Rochelle Norman, M.Ed.; Tracey Harris, M.Ed.; Victoria M. Boone, M.A.; and Zarah K. Mason, M.S. to the Board with a recommendation to grant licensure. The motion included the provision that staff request additional information from Lindsay Noelle Campbell, M.S. and from Ryan Thomas Glasgow, M.A.; and a provision that clarifying information be requested from Debra Dallman, M.S. and Meagan Dant, M.A. as reflected by the discussion. Dr. Raetz seconded the motion.

VOTE: The motion was approved by a 5-0 vote with the exception of Ms. Jennifer Lee Griggs which was approved by a 4-0 vote due to the recusal of Dr. Davis-Wilson.

B. Behavior Analyst Applications for Licensure by Universal Recognition

1) Haley Orr Wieduwilt, 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.

2) Tammy R. Menzel, 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 the applications of Haley Orr Wieduwilt, M.S. and Tammy R. Menzel, M.A. to the Board with a recommendation to grant licensure. Dr. Davis-Wilson seconded the motion.

VOTE: The motion was approved 5-0.

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

Ms. Paakkonen summarized the updates which included some additional information concerning the updated BACB Code of Ethics that will be in effect January 1, 2022. She also noted that the BACB recently issued a report on employment vacancies in the field of behavior analysis, and explained that this information has some value to regulators as it may have some bearing on the nature and number of complaints and investigations. She recommended the Committee hold a discussion on this topic on the next special meeting agenda; this could include engaging with stakeholders to bring clarity to the application process and time frames while also hearing their related concerns. The Committee noted this discussion would need to include the decrease in demand for BCaBAs given the confusion that exists relative to their role and value. The discussion reflected that demand for services could be resolved by having this mid-tier professional providing some level of that service. Additionally the discussion could encapsulate how to leverage the period of time between earning certification and granting of the license.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING MATTERS FOR WHICH A RECOMMENDATION CANNOT BE ADOPTED DUE TO LACK OF QUORUM

Ms. Paakkonen explained that the staff is seeking some clarity and a shared understanding relative to when a pending matter is tabled due to a lack of quorum, and when a matter can be forwarded to the full Board in order to achieve a timely decision.

Ms. Galvin advised the Committee that when an application is pending but a quorum is lacking due to sustained absences or recusals, the Committee should forward the matter to the full Board as the Board members who also serve on the Committee can provide clarity and insight for the Board's benefit. In the event of a complaint, the best practice is to table the review to the next meeting when a quorum is assembled. Ms. Galvin further noted that this is general advice and that Board staff can work through specific situations with the Committee Chair if advance awareness exists of a lack of quorum.

The Committee members agreed by consensus to follow this guidance. The discussion reflected that the Committee should make every effort to move applications forward to the Board rather than hold them for a future meeting in the interest of complying with time frame requirements and to not cause unfortunate delays for the applicants to be granted licensure.

Board staff proposed a new process for collecting recusal information consisting of an online fillable form as opposed to the current practice of downloading, completing, uploading, and emailing a form. The members

and staff concurred this process will be more efficient, and noted the information will be easily accessible and will simplify record-keeping.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSAL FOR “RAMP” CONFIDENTIAL REHABILITATION AND MONITORING PROGRAM

Ms. Paakkonen provided an overview of the proposed program consisting of a confidential reporting program for psychologists and behavior analysts who self-report an impairment. She explained that the Board reviewed the initial draft of the program during its January meeting, and while supportive of the concept, directed staff to make some edits; in doing so this created an opportunity to bring the proposed program to the Committee for its input and feedback. She described the components of the RAMP program and summarized the sample agreements accompanying the program details. Ms. Paakkonen explained that the name is intended to reflect an approach to supporting a professional move from a state of “dyscompetence” to that which he or she can practice with skill and safety. She further noted that, if RAMP is approved, program information will be shared with the stakeholder groups with a request to share it with members. Finally Ms. Paakkonen informed the Committee that over time and informed by experience, RAMP can be modified as determined to be appropriate by the Board.

The Committee acknowledged that the members have discussed confidentiality as it relates to this issue, and that RAMP can help reinforce the protection of sensitive health information when a professional is most vulnerable.

MOTION: Dr. Davey moved to issue a recommendation to the Board to adopt the RAMP program. Dr. Raetz seconded the motion.

DISCUSSION: The Committee asked that the program language reflect both professions as being eligible.

VOTE: The motion was approved 5-0.

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

Ms. Paakkonen advised the Committee that some bill have been introduced in the current legislative session that would curtail some of the Governor’s powers to declare and maintain a state of emergency. She noted that if this legislation were to somehow pass, local jurisdictions may elect to declare an emergency which will present many complications to statewide regulatory agencies and boards.

The Committee discussed the fact that some reimbursement sources are announcing cessation of payments when services are provided through telehealth or under the auspices of waivers or exceptions granted under the emergency. The discussion noted that without clearly declared timeframes relative to the state of emergency, providers may experience payment denials. Ms. Paakkonen summarized HB2454 which includes several provisions that essentially bring telehealth care up to par with in-person care delivery. She noted there is one provision of the bill that would allow anyone with an out of state license to practice into Arizona without being issued a license. The members requested updates relative to this bill given that there is lack of clarity from the Arizona Health Care Cost Containment System as to the continuation of reimbursement for behavior analytic telehealth services.

13. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The members requested the following topics be placed on the next meeting agenda:

- An agenda item to allow for discussion of proposed legislation;
- An agenda item to discuss the lack of response to board staff from Mr. Jeff Seigel;
- An agenda item to discuss the matter concerning the two supervisors of applicant Paige Huff who may have been practicing without a license; and
- A report on the outcome of the Board’s review of the RAMP proposal.

14. ADJOURNMENT

MOTION: Dr. Davis-Wilson moved to adjourn the meeting. Ms. Denton seconded the motion.

VOTE: The motion was approved 5-0. The meeting adjourned at 12:46 p.m.