



STATE OF ARIZONA  
BOARD OF PSYCHOLOGIST EXAMINERS  
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DOUGLAS A. DUCEY  
Governor

HEIDI HERBST PAAKONEN  
Executive Director

## Committee on Behavior Analysts

### MINUTES OF TELEPHONIC MEETING

March 6, 2020

Scheduled at 9:30 a.m.

1740 W Adams Street  
Conference Room C (1st Floor)  
Phoenix, AZ 85007

#### 1. CALL TO ORDER

Dr. Davidson called the meeting to order at 9:30 a.m.

#### 2. ROLL CALL

##### Committee Members Participating by Telephone

Daniel Davidson, Ph.D., BCBA-D - Chair  
Diana Davis-Wilson, DBH, BCBA  
Paige Raetz, Ph.D., BCBA-D  
Donald Stenhoff, Ph.D., BCBA-D

##### Committee Members Absent

Bryan Davey, Ph.D., BCBA-D

##### Staff Present

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

##### Assistant Attorney General Present

Marc Harris, Esq.

#### 3. REMARKS/ANNOUNCEMENTS

- **Recognition of Dr. Davidson for his service as Chair of the Committee on Behavior Analysts**

The Committee members expressed their appreciation for Dr. Davidson's service and leadership to the profession and to the public. Ms. Herbst Paakkonen advised the committee that Dr. Davidson will be presented an award at a future date.

**4. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ELECTION OF COMMITTEE CHAIR**

**MOTION:** Dr. Davidson nominated Dr. Davis-Wilson to serve as the Committee Chair. Dr. Raetz seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**5. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING SUBMITTING RECOMMENDATIONS FOR COMMITTEE APPOINTMENT TO THE GOVERNOR'S OFFICE OF BOARDS AND COMMISSIONS**

Dr. Davidson advised the committee that when he submitted his letter of resignation to the Director of the Governor's Office of Boards and Commissions, he encouraged her to work with the Arizona Association of Behavior Analysts (AzABA) to identify his successor. The Committee members discussed the fact that they also can recommend interested individuals apply for consideration.

Kyle Lininger and Brian Van Meerten representing the AzABA were present for the discussion. The Committee members discussed with the representatives that the upcoming vacancy on the Committee creates an opportunity for AzABA to make recommendations to the Governor's office on possible successors to appoint. The Committee members discussed the fact that members of the profession cannot serve in the dual role of protecting the profession and protecting the public concurrently. Mr. Van Meerten, as Past President of AzABA, advised the Committee that he will work with his Board to identify qualified and conflict-free individuals to nominate to fill the appointment. He further explained that AzABA can establish and follow a process to arrive at those nominations.

**6. CALL TO THE PUBLIC**

No members of the public requested to speak.

**7. APPROVAL OF MINUTES**

**February 5, 2020 Regular Session**

Dr. Stenhoff requested agenda item 5(A)(1) be revised to reflect that he was the director of the program in which the applicant was involved, not her instructor. Dr. Davidson requested the language for the applicant listed at agenda item 11 needs to read that he had little interaction with the applicant.

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

**VOICE VOTE:** The motion was approved 4-0.

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

### Complaint No. 20-25, Robyn Marian

Dr. Stenhoff summarized the complaint consisting of allegations by S.T., a speech-language pathologist, that Ms. Marian acted unprofessionally, and interfered with and undermined treatment sessions for their shared client. Ms. Marian's response reflected these events were mischaracterized and that S.T.'s allegations fails to identify any violations of law. S.T. was present and addressed the Committee. She described requesting that Ms. Marian observe the child's behavior subsequent to a fall. S.T. reported that Ms. Marian stated to her that her speech goals for the child were inappropriate, speech therapy is within the scope of behavior analysis, and that Ms. Marian questioned her knowledge and skills as a speech therapist relative to that of a behavior analyst. In response to Committee questions S.T. stated she was excluded from the care team communications that were initiated by Ms. Marian.

Ms. Marian was present for the review of the complaint, as was her attorney Mandi Karvis, Esq. Ms. Karvis advised the Committee that S.T. offered some new allegations to those submitted with her original complaint. She noted that this was an isolated event as the two professionals had successfully interacted in the past. She further stated the Ms. Marian had been invited to offer suggestions for treatment of the client, and that she did just that – make some suggestions and nothing inappropriate occurred. Finally she commented that Ms. Marian has an 18 year history of practicing behavior analysis without any concerns, and the alleged conduct does not rise to the level of a volition. In response to questions, Ms. Marian affirmed she has no training as a speech-language pathologist. She also answered in the affirmative to obtaining informed consent for the 2 clients. Ms. Marian described how she arrived at her conclusions with respect to the two clients she observed: C.G. on one occasion and A.S. multiple times, and affirmed she did not perform a formal assessment of either client. Staff confirmed that records could be subpoenaed to establish informed consent was documented for behavior analysis co-treatment by Ms. Marian. The licensee described the process she used to arrive at her conclusions she made concerning C.G.

The Committee members deliberated the case against the possible jurisdiction of A.R.S. §32-2091(12)(g), Unprofessional conduct (engaging or offering to engage as a behavior analyst in activities that are not congruent with the behavior analyst's professional education, training and experience). The members discussed whether Ms. Marian's conduct with the clients, colleagues, and her documentation (or lack thereof) are of concern relative to the following sections of the Professional and Ethical Compliance Code for Behavior Analysts: 1.02 (Boundaries of Competence), 2.03 (Consultation), 2.04. (Third-Party Involvement in Services), 2.10 (Documenting Professional Work and Research), 2.11 (Records and Data), 3.01 (Behavior-Analytic Assessment), and 3.03 (Behavior-Analytic Assessment Consent). The discussion reflected the necessity of behavior analysts to document any professional interactions with a client. The Committee members additionally discussed how reviewing cases such as this one leads to awareness for improved practice and modeling of good practice.

**MOTION:** Dr. Davis-Wilson moved to direct Board staff to subpoena the additional documents from the clinical record for both C.G. and A.S. to include Ms. Marian's own documentation. The motion failed for a lack of a second.

Mr. Harris advised the Committee that it may make the following recommendations: forward the case to the Board with possible violations, dismiss the case for lack of violations, and direct staff to continue the investigation. He further advised the Committee should determine whether the record finds there is enough information to make a dispositive decision.

**MOTION:** Dr. Davis-Wilson moved to afford Ms. Marian the opportunity to supply the additional documents she maintained and referenced (to include informed consent, her position description, any internal policy describing her consultative role, and other notes) for both C.G. and A.S. Dr. Raetz seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

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

**A. Behavior Analyst Application for Licensure**

**1) Alexander Hazen, M.A.**

Mr. Hazen was present by phone for the consideration of his application. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted Mr. Hazen disclosed a series of criminal activity, some while he was a juvenile, with the most recent event being 9 years ago. Additionally the Committee noted his disclosure that he was previously terminated from a position. Mr. Hazen explained the circumstances concerning his dismissal from a former employment position as involving a communication timing failure on his part. He also spoke to how his education and supervised experience in behavior analysis contributed to his behavior reform and has resulted in him implementing corrective actions.

**MOTION:** Dr. Davidson moved to forward the application to the Board for approval. Dr. Davis-Wilson seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**2) Andrea Paige Rudderow, 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, and that the application can be forwarded to the Board with a recommendation to grant the license.

**3) Morgan Brown-Chipley, M.S.**

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the applicant reported a DUI charge, but her written description of the event is inconsistent with the police report narrative. The members concurred that the applicant must appear either personally or telephonically for an interview with the Committee.

**4) Shannon Weller, M.S.**

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the applicant reported that she was charged with possession of drug paraphernalia to which she pled guilty, completed restitution, and the charge was subsequently expunged. The members concurred that the applicant must provide the charging, sentencing, and restoration documents.

**MOTION:** Dr. Stenhoff moved to forward the application of Andrea Paige Rudderow to the Board with a recommendation to grant licensure. Dr. Davis-Wilson seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**MOTION:** Dr. Stenhoff moved to invite Ms. Brown-Chipley to an application interview, and to request the documents discussed from Ms. Weller. Dr. Davis-Wilson seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING POTENTIAL RECOMMENDATION TO THE BOARD TO ISSUE CEASE AND DESIST LETTERS TO BA SUPERVISORS PRACTICING IN ARIZONA WITHOUT AN ARIZONA LICENSE - Ms. Herbst Paakkonen**

- A. Robin Arnall
- B. Victoria I. Cummings
- C. Alexandra Rothstein
- D. Cicely Jiron-Lopez
- E. Nandi Nelson
- F. Thomas Szabo

Ms. Herbst Paakkonen summarized the preliminary information concerning the individuals listed at A. through E. (faculty members at the Chicago School of Professional Psychology, none of whom are Arizona licensed) as having supplied information concerning some supervisory activities provided for two applicants for behavior analyst licensure. She noted the information is presented to the Committee for purposes of determining whether their activities might constitute supervision of applicants and therefore practicing without a license. The Committee members reviewed the licensure exemption statutes but did not identify any language exempting them from the requirement. The members also discussed whether these activities might have implications for the application files just reviewed. The members further discussion the fact that Ehren Werntz, an Arizona licensed behavior analyst, subsequently submitted a statement assuming all responsibility for the supervised hours. Mr. Harris advised the members that the Board's process when ascertaining whether to issue a cease and desist letter for unlawful practice is to open a complaint, notice the subject of the complaint of the allegation, and allow the individual to respond; the file is then reviewed and possible action taken.

**MOTION:** Dr. Davis-Wilson moved to open complaints against Robin Arnall, Victoria I. Cummings, Alexandra Rothstein, Cicely Jiron-Lopez and Nandi Nelson. Dr. Stenhoff seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**MOTION:** Dr. Davis-Wilson moved to open a complaint against Thomas Szabo. Dr. Stenhoff seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

**11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LICENSE RENEWAL AND REINSTATEMENT REQUEST FROM JACQUELINE GALVANI, M.ED.**

The Committee proceeded with a review of the renewal and reinstatement application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, and that the application can be forwarded to the Board with a recommendation to reactivate the license.

**MOTION:** Dr. Raetz moved to forward the application to the Board for approval. Dr. Stenhoff seconded the motion.

**VOICE VOTE:** The motion carried by a vote of 4-0.

**12. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CONTINUATION OF THE ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS, AND PROPOSED LEGISLATION INCLUDING BUT NOT LIMITED TO SB1054, HB2224, HB2184, HB2288, HB2809, SB1211, SB1212, AND SB1507**

This matter was not addressed and will appear on a future meeting agenda.

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

This matter was not addressed and will appear on a future meeting agenda.

**14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS FOR BEHAVIOR ANALYST RULE REVISIONS**

This matter was not addressed and will appear on a future meeting agenda.

**15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REACTIVATION REQUEST FROM MALLORY SMITH, M.A.**

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

**MOTION:** Dr. Raetz moved to forward the application to the Board for approval. Dr. Stenhoff seconded the motion.

**VOICE VOTE:** The motion carried by a vote of 4-0.

**16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS CONCERNING A.R.S. §32-2091.15**

Dr. Davis-Wilson stated that she requested this agenda item be included as she has some concerns with the language. She noted that the language in subsection A was intended to ensure that the behavior analyst perspective had opportunity to provide input on the regulation of their own profession as a component of the Psychology Board, but that the language creates challenges as it limits appointee service to two five year terms. She stated that this is a difficult requirement to meet as the Committee members' demands are increasing, demand for their services outpaces the supply, and not many members of this young and emerging profession have the time and ability to serve; given the precarious nature of the Committee maintaining a quorum, she further stated that this may need to be revisited by the Arizona State Legislature next year. The representatives of AzABA stated that they will discuss this with their leadership and recommend a process be established to nominate or recommend behavior analysts for possible appointment to the Committee by the Governor. The committee members concurred a discussion of this language will be included on a future meeting agenda.

**MOTION:** Dr. Davis-Wilson moved to meet in Executive Session to obtain legal advice concerning §32-2091.15(E). Dr. Davidson seconded the motion.

**VOICE VOTE:** The motion was approved 4-0.

Upon resuming the meeting in public session, Dr. Davis-Wilson requested Mr. Harris address the Committee complying with the requirements of §32-2091.15(E) stating that the committee “shall obtain public input from behavior analyst licensees or their designated representatives before making any final recommendation to the board”. Mr. Harris stated that the Committee complies with the statute when it considers matters during public meetings where notice to the public has been provided. He further noted that if no one from the public or a stakeholder group attends or gives any input or recommendations, ideally the Committee states that fact on the record when making recommendations to the Board. Mr. Harris stated that while Board staff has reached out to AzABA leaders to encourage attendance and participation at Committee meetings, the Committee may wish to place on a future meeting agenda a discussion on additional strategies to obtain public input.

## **17. NEW AGENDA ITEMS FOR FUTURE MEETINGS**

**The members requested the following items be included on a future meeting agenda:**

- Review, discussion and possible action on recommended revisions to A.R.S. 32-2051
- Review, discussion and possible action on potential strategies to improve stakeholder and profession participation and input

## **18. ADJOURNMENT**

Dr. Stenhoff moved to adjourn the meeting. Dr. Raetz seconded the motion. The motion was approved 4-0. The meeting adjourned at 1:27 pm.