



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

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

Regular Session Meeting Minutes

March 13, 2020
At: 1740 W. Adams St.
Boardroom A (1st Floor)
Phoenix, AZ 85007

Board Members

Tamara Shreeve, MPA – Chair
Diana Davis-Wilson, DBH, BCBA, PH.D. – Vice-Chair
Lynn L. Flowers, PH.D. – Secretary
Bob Bohanske, Ph.D., FNAP
Bryan Davey, Ph.D., BCBA-D
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Mathew A. Meier, Psy.D.
Ramona N. Mellott, Ph.D.

1. CALL TO ORDER

Chairwoman Shreeve called the Board's meeting to order at 8:33 a.m.

2. ROLL CALL

The following Board members were present: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Gill, and Dr. Mellott. The following Board members participated telephonically: Dr. Davey, Mr. Dynar, and Dr. Flowers. The following Board member was absent: Dr. Meier.

ALSO PRESENT

Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelson, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; Krishna Poe, Administrative Assistant; and, Andrea Cisneros, Minutes Administrator.

3. REMARKS/ANNOUNCEMENTS

- **Continuing Education (CE) Documentation for Licensee Attendance at Board meetings**

Chairwoman Shreeve announced that licensees could receive CE credits in Ethics for attending the Board's meeting and advised the audience to see Board staff for further assistance on how to obtain credit.

- **Board Surveys**

Chairwoman Shreeve encouraged meeting attendees to complete a Board Meeting Assessment Survey and return them to the Survey Box.

- **Board Member and Staff Appreciation**

Chairwoman Shreeve acknowledged and thanked Board members and staff for their efforts in facilitating the Board's meeting. Board members also recognized the students and interns in the audience and thanked them for attending.

- **Recognition of Conclusion of Board Service Terms – Presentation of Plaques**

- **Janice Brundage, Ph.D.**

Chairwoman Shreeve presented Dr. Brundage, who was in attendance of the Board's meeting, with a plaque in recognition of her time served on the Board. Chairwoman Shreeve observed that Dr. Brundage served on the Board for almost fifteen years, and served in the capacity of Board Chair for at least five. Chairwoman Shreeve commented that Dr. Brundage was great in assisting her as a new Board member and stated that she has been missed. Chairwoman Shreeve, on behalf of the citizens of Arizona, thanked Dr. Brundage for her years of service.

- **Lynn Flowers, Ph.D.**

Chairwoman Shreeve presented Dr. Flowers, who participated telephonically, with a plaque in recognition of serving on the Board for five years. Chairwoman Shreeve stated that Dr. Flowers has been a tremendous asset to the Board and noted his great attention to detail. Chairwoman Shreeve stated her appreciation for Dr. Flowers' efforts and time spent on the Board.

Dr. Flowers stated that he was grateful for the opportunity to serve on the Board. He further stated that the Board staff has been a source of invaluable help, and he complimented AAG Galvin's legal expertise. Dr. Flowers commented that serving on the Board has afforded him the opportunity to work with outstanding psychologists and public members. Dr. Flowers also thanked Board members for their assistance, and stated that the Chair's leadership and support has been remarkable.

4. CALL TO THE PUBLIC

No individuals addressed the Board during the Call to the Public.

5. CONSENT AGENDA - DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION

MOTION: Dr. Gill moved for the Board to approve the items as listed under the Consent Agenda.

SECOND: Dr. Flowers

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Davey, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse (recusals noted in item numbers D.1., D.2., D.4., and E as indicated herein), 1-absent.

MOTION PASSED.

A. APPROVAL OF MINUTES

- February 13, 2020 Regular Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

Executive Director Herbst Paakkonen updated the Board regarding pending legislation of interest to the Board.

SB1054

This Bill passed through the Senate with almost unanimous support, and most recently was heard by the House Health & Human Services Committee where it received a do-pass recommendation. The bill will continue the Agency for another 8 years.

HB2224

This Bill passed the House unanimously, and is currently being considered by the Senate. Dr. Bohanske stated that if successful, this would make several hundred students of the now closed Argosy program eligible for licensure as psychologists in Arizona. He thanked the Bill's Sponsor, Representative Nancy Barto, and the Committee on drafting the language of this Bill. Executive Director Herbst Paakkonen stated that applications that fall under this category are being tabled in anticipation that the Bill will be successfully passed within a matter of weeks.

SB1212

Chairwoman Shreeve observed that this Bill modifies the Board's statute to clarify the language of universal recognition.

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for Examination (EPPP) Only

- 1) Danielle Marie McGraw, Ph.D.
- 2) Josh J. Smith, Psy.D.

Requesting Approval to Sit for Examination (EPPP) & Licensure

- 1) Agnes Monika McKay, Psy.D.
- 2) Allyson Wirth, Psy.D.
- 3) Brynna Simin Farbod, Psy.D.
- 4) Jayme S. Blais, Psy.D.
- 5) Jeremy J. Saenz, Ph.D.
- 6) Marshall Walters, Psy.D.
- 7) Nicoleta Baila, Psy.D.
- 8) Samuel David Ballou, Psy.D.

Requesting Approval for Licensure by Waiver

- 1) Mary Eugenia Burns, Psy.D.
- 2) Vicki Arnold Santos, Psy.D.

Requesting Approval for Licensure by Credential

- 1) Michael C. Roberts, Ph.D.
- 2) Tony L. Strickland, Ph.D.
- 3) Vicki L. Lane, Ph.D.

Requesting Approval for Licensure by Universal Recognition

- 1) Christina Lynch, Psy.D.
- 2) Gina Reyes, Psy.D.
- 3) Von Karin King, Psy.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Amy Lee Schank, M.Ed.
Vice-Chairwoman Davis-Wilson was recused from this item.
- 2) Jennifer Christine Santoemma, M.Ed.
Vice-Chairwoman Davis-Wilson was recused from this item.
- 3) Alexander Hazen, M.A.
- 4) Andrea Paige Rudderow, M.Ed.
Vice-Chairwoman Davis-Wilson was recused from this item.

E. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE FROM KARALYN SEMENCHUK, M.ED.

Vice-Chairwoman Davis-Wilson was recused from this item.

F. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REINSTATEMENT REQUEST FROM JACQUELINE GALVANI, M.ED

G. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE FROM SUSAN PAGE, PSY.D.

H. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR REACTIVATION OF INACTIVE LICENSE FROM MALLORY SMITH, M.A.

I. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR EPPP AND TESTING ACCOMMODATIONS FROM DOMINIQUE DOSS-STEPHENS, PSY.D.

J. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING REQUEST FOR EXTENSION OF TIME TO SIT FOR EPPP FROM RICARDO PIERRE THOMAS, PH.D.

K. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING

REQUEST FOR EXTENSION OF TIME TO SIT FOR EPPP FROM DANIELLE E. DIPAOLLO, PSY.D., TEMPORARY LICENSE NO. PSY-T-000010

TIMED ITEM – 9:00 a.m.

6. INFORMAL INTERVIEW – GREGORY WAUGH, PSY.D. – Complaint No. 20-15

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS OF UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR OFFER OF A CONSENT AGREEMENT OR REFERRAL TO A FORMAL HEARING

Dr. Waugh was present with Attorney Kraig Marton. He reported that he has taken corrective action to remedy the Board's concerns regarding his conduct described in the complaint, including closing his post office box and contacting psychologist colleagues in the community for ethics coaching. Mr. Marton stated that Dr. Waugh offered to allow a former client to reside with him for a period of time while she was looking for employment and a place to live after release from prison, but that it never happened since their housing request was rejected by the Parole Board. Dr. Flowers observed that from 2006 through 2017, Dr. Waugh was employed by the Arizona Department of Corrections (DOC) as a sex offender treatment provider in Goodyear, Arizona. Dr. Waugh retired from the DOC in 2017 and is currently in private practice. From May 2012 to June 2017, Dr. Waugh treated client RR, who attempted to reside at the licensee's personal residence upon her release from prison. However, parole personnel did not approve the placement as Dr. Waugh and RR had not had any other relationship outside the prison system. Dr. Waugh admitted that he continued to communicate with a few inmates after his departure from the DOC via his post office box. In response to Dr. Flowers' questioning, Dr. Waugh stated that the situation with RR was a one-time occurrence and was a mistake in judgment.

Dr. Bohanske stated that code of ethics once required a two-year time period between the therapeutic relationship or involvement with an offender and the initiation of another type of relationship, and the current code discourage this altogether. Dr. Bohanske questioned the licensee as to his understanding of the code of ethics which is enforced by the Board. Dr. Waugh stated that once the relationship is over, it's over without question. Dr. Bohanske stated that he was disappointed that the psychologist did not consult with colleagues to assist him. In response to Dr. Mellott's line of questioning, Dr. Waugh stated that he communicated with five patients following his departure from the DOC, in order to provide information regarding housing and employment. Dr. Gill stated that it is important for the psychologist to communicate that the therapy relationship is over and to document termination. Dr. Waugh stated that while he attends two to three CE classes per year per licensure requirements, not too many of them dealt with issues such as this.

Dr. Flowers stated it appeared that the psychologist appeared to be in a difficult situation and stated that it is essential to consult with other colleagues when serving in isolation as a psychologist. Dr. Flowers stated that he could see the psychologist's desire to help his clients. Dr. Flowers appreciated Dr. Waugh's efforts to adjust his practice rather than continuing the conduct with current clients. Dr. Flowers stated that while troubling, there did not appear to be any harm that occurred. Dr. Mellott stated that there was no harm done since the Parole Board refused the residence application, but she found the lack of awareness of ethics violations was troubling. Chairwoman Shreeve stated that she found the psychologist's conduct concerning, and that she was torn as to whether this matter rises to the level of disciplinary action.

MOTION: Dr. Gill moved for the Board to issue a Letter of Concern and Order for Non-Disciplinary CE. Within 12 months, the psychologist shall complete 12 hours in multiple relationships, and abiding by boundaries and therapy.

SECOND: Dr. Bohanske

Dr. Bohanske stated that the psychologist was in a position of power and should have consulted with his colleagues. Dr. Bohanske commented that more people are needed to work with the population that is underrepresented, and noted that correctional psychology is one of the least entered fields in their community.

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

TIMED ITEM – 9:30 a.m.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO INITIAL CASE REVIEWS OF THE FOLLOWING COMPLAINTS

a) Complaint No. 20-14 Shanna Sadeh, Ph.D.

Dr. Sadeh was present with Attorney Mark Harrison and Attorney Travis Hunt. Complainant MP was also present. Chairwoman Shreeve summarized that the complaint alleged general bias and unethical behavior that potentially hindered the patient's treatment progress.

MP was questioned by the Board regarding the allegations made in her complaint regarding her daughter, RP. MP stated that Dr. Sadeh never clarified what MP's role was to be in her daughter's treatment, and that treatment plans were also unclear. She stated that there were no treatment sessions that included the family, and questioned the psychologist's billing. The Board noted that the matter stemmed from a custody battle, and that Dr. Sadeh was part of the interventional therapy team ordered by the Court to treat RP. MP alleged that the therapy focused more on attempts to reunify RP with her father, without much involvement of MP. MP explained that RP was a victim and witness of a violent act involving her father in October of 2018 and thereafter refused alone time with her father. Dr. Bohanske questioned MP regarding the patient's change from outpatient therapy to inpatient services. MP stated that because RP was refusing alone time with the father, she was threatened to be sent to boarding school or admission to an inpatient facility. After six weeks of inpatient treatment, RP was discharged against medical advice and did not want to continue treatment with Dr. Sadeh. MP explained that RP was discharged against medical advice as the treatment team in Arizona was in disagreement with the inpatient therapy team. Subsequently, a letter was provided to the Court from the inpatient facility regarding their concerns of what had taken place, and Dr. Sadeh and the Arizona treatment team were replaced with a new team of therapists. The Board observed that Dr. Sadeh billed a substantial amount for "professional services" during the six weeks that RP was not under her care.

Mr. Harrison recalled the Board's Review Committee recommended that Dr. Sadeh take corrective actions, and Mr. Harrison stated that the psychologist complied with

the Board's request. He urged the Board to obtain the records from MP's therapist and the Department of Child Services to have a better understanding of the situation as those records validate the treatment plan that was directed by Dr. Sadeh in this matter. Mr. Hunt pointed out that the billing issues raised during today's proceeding were not noted by the Review Committee and was not part of the original complaint. Mr. Hunt asked that his client be given an opportunity to formally respond to the billing allegations. The Board noted that the case was not yet at the level of Investigative Hearing, and clarified that the purpose of today's proceeding was to determine whether there were possible violations of statute based on the Committee's recommendation in addition to what is discussed today.

Dr. Sadeh was questioned by the Board regarding consent for treatment and MP's involvement in RP's therapy sessions. Dr. Sadeh stated that MP provided consent for RP's treatment, and that she had many sessions with her including phone calls and emails. She stated that she provided therapeutic supervision during RP's outings with her father to provide therapeutic support for activities that included going out to eat and shopping. In response to the allegations of sharing personal information regarding the psychologist's personal relationships and online dating activities, Dr. Sadeh explained that she often models for parents how to hold conversations with the child. She stated that her disclosures are not always truthful, but are meant for therapeutic purposes to see how the patient responds. With regard to Coach Miller participating in some of RP's therapy sessions, Dr. Sadeh stated that he was her employee under her supervision and direction. She stated that she found it helpful to have him attend therapy sessions in some cases as children respond to him as a father figure and provide data about their family life. Dr. Sadeh admitted that Coach Miller did perform some shoulder and neck massages, and pointed out that he is a Licensed Massage Therapist.

The Board observed that the complaint alleged that Dr. Sadeh accompanied the father and child to an appointment with RP's treating psychologist. Dr. Sadeh explained that RP was having some difficulty understanding how to use some of her medications, and that the father requested Dr. Sadeh attend the visit. Dr. Sadeh stated that she informed MP of the father's request and MP expressed her concerns and as a result, Dr. Sadeh did not attend the visit. The Board also noted that the complainant alleged that Dr. Sadeh was limiting the information that was being shared regarding RP's progress. Dr. Sadeh responded to this allegation stating that she did not share information that she felt was not relevant to the educational needs of the child. The Board further noted that Dr. Sadeh allegedly informed the father that MP's therapist had filed a complaint against him to the Department of Child Services. Dr. Sadeh stated that she was informed by the mother's therapist that a report was being filed against the father based on the mother's complaint. Dr. Sadeh stated that either she or her associate informed the father that the complaint was going forward.

In response to the Board's questioning regarding RP's admission to inpatient therapy services, Dr. Sadeh explained that RP's treatment had plateaued and she was not making any progress. Dr. Sadeh stated that during RP's time in inpatient services, she and her associate were working on reports to the Court as well as other professional services that were billed to the father (whose employer had been

covering the costs of RP's treatment). Dr. Sadeh stated that she also had conducted research regarding boarding schools and that this particular clinical profile proved to be very challenging. The Board questioned Dr. Sadeh regarding her recordkeeping in this case, and noted that there was no clear plan documented in the patient's records. Dr. Sadeh explained that the treatment plan was identified in the multiple correspondences submitted on RP's behalf to other providers and the Court, and recognized that the correspondences were not included in RP's records. Dr. Sadeh added that her services were guided by evidence-based practices and served a goal. Dr. Sadeh reported that she has since changed her recordkeeping practices, and now ensures that all clients have a documented treatment plan in their electronic health records. Dr. Sadeh stated that she followed ethical guidelines that were more complicated in addressing issues within a high conflict divorce.

The Board questioned the licensee as to the role in which the parents are to play in the treatment plans and goals. Dr. Sadeh stated that as caregivers, it is imperative for the parents to be involved in the therapy. Dr. Flowers commented that arranging negotiations with parents for division of property did not sound like child therapy services, and stated he was puzzled as to how the substantial billing that occurred during RP's inpatient hospitalization could be justified. In response to Dr. Bohanske's line of questioning, Dr. Sadeh stated that she studied the Arizona Revised Statutes applicable to psychology, but was not aware of these requirements at the time that she was providing her professional services in this case. Dr. Bohanske stated it appeared that the licensee was practicing outside of the guidelines in terms of documentation and treatment planning. Dr. Bohanske commented that psychotherapy requires a series of approved procedures for evidence based practice, and stated that there was a broad definition being utilized for billing in this case that do not appear to be psychologist services. Dr. Bohanske further commented that the services provided by Dr. Sadeh in this case did not fall under strength based treatment planning or evidence based treatment planning based on the documentation in the file. Additionally, Dr. Bohanske stated that the licensee referred RP to an inpatient or residential facility out of state without meeting the criteria for placement in such a facility. Dr. Bohanske stated that the clinical record was lacking and woefully inadequate, and noted that the licensee reported that she has taken corrective action to address the recordkeeping concerns. Dr. Sadeh stated that the complexity and chaos involved in this case was reflected in her recordkeeping, and that this has been a learning experience.

Dr. Mellott observed that the record included specific services involving therapy, legal proceedings, school advocacy services, and team therapy. Dr. Mellott stated that the licensee's testimony today discussed services that do not fall under any of those specific services. Dr. Mellott commented that the services provided by Dr. Sadeh in this case were outside the realm of what a psychologist and therapist are expected to do and were billed at a psychologist rate. Chairwoman Shreeve expressed concern regarding Dr. Sadeh's recordkeeping, billing, and stated that it was not clear what services were being provided in this case. Dr. Gill commented that there were issues of cooperation with other professionals, and stated that there appeared to be some real conflicts or points of divergence that did not serve any purpose for the patient. Dr. Gill stated that there were also concerns regarding ethics in terms of consent and defining the roles relating to the provision of services. Dr.

Gill stated that based on MP's testimony, she appeared to be confused as to her role in RP's therapy. Vice-Chairwoman Davis-Wilson stated that she remained concerned regarding Coach Miller's involvement in the therapy sessions, and stated that there was no outline of services involving massage therapy for RP's therapy sessions.

MOTION: Chairwoman Shreeve moved for the Board to proceed to Investigative Hearing with possible violations of A.R.S. § 32-2061(16)(h) failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient; (o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice; and (dd) violating an ethical standard adopted by the board..

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

TIMED ITEM – 1:30 p.m.

8. INFORMAL INTERVIEWS – JOHN DENBOER, PH.D.

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO ALLEGATIONS ON UNPROFESSIONAL CONDUCT, PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, POSSIBLE DISCIPLINE AND/OR POSSIBLE CONSOLIDATION WITH DR. JOHN DENBOER'S CURRENT CONSENT AGREEMENT FOR CASE NOS. 16-39, 16-53, AND 17-23 AND/OR POSSIBLE CONSOLIDATION WITH OTHER PENDING MATTERS; OR REFERRAL TO A FORMAL HEARING

- a) Complaint No. 18-26 John DenBoer, Ph.D.**
- b) Complaint No. 19-02 John DenBoer, Ph.D.**
- c) Complaint No. 18-25 John DenBoer, Ph.D.**
- d) Complaint No. 19-04 John DenBoer, Ph.D.**

Attorney Robert Beardsley was present on behalf of Dr. DenBoer. AAG Galvin stated that the psychologist has requested that the matters be continued. Mr. Beardsley stated that they are requesting a continuance to allow consolidation of the 2020 cases with the above referenced matters to be considered in one setting. He stated that Dr. DenBoer was not able to appear today to participate in the Board's proceedings due to doctor's orders to refrain from public settings.

Dr. Bohanske stated that while the Board cannot ignore the significance of the virus, the Board also has the responsibility to process cases in a timely fashion. He noted that there are at least eight cases pending in relation to this licensee, and questioned whether there had been an ongoing attempt to negotiate a Consent Agreement to resolve the matters. Dr. Bohanske stated that he supported continuing this matter in light of Dr. DenBoer's health concerns, and to consolidate all of the cases.

MOTION: Dr. Bohanske moved for the Board to grant the request for continuance.

Dr. Flowers agreed with Dr. Bohanske's comments regarding adjudicating the cases in a timely fashion, and stated that if the licensee is not practicing at this time, the Board is not endangering the public by granting the continuance. AAG Galvin informed the Board that Dr. DenBoer currently holds an unrestricted license and has the ability to return to practice as long as he utilizes a practice monitor. AAG Galvin stated that conversations regarding a potential Consent Agreement have been hampered since the Board has not reviewed the entirety of the cases and has yet to provide direction as to how the matters should be resolved. Vice-Chairwoman Davis-Wilson stated she was concerned that the Board had information that differed from what has been presented regarding the current practice status of the licensee. Dr. Bohanske withdrew his motion.

MOTION: Dr. Bohanske moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Vice-Chairwoman Davis-Wilson

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board entered into Executive Session at 1:42 p.m.

The Board returned to Open Session at 2:11 p.m.

No legal action was taken by the Board during Executive Session.

Chairwoman Shreeve requested that Dr. DenBoer submit a letter to the Board within the next four business days stating the status of his current work situation. Chairwoman Shreeve further questioned counsel as to whether Dr. DenBoer would be willing to waive his rights in order for the Board to consolidate all of the cases. Mr. Beardsley stated that he would need to consult with his client, and Chairwoman Shreeve stated that the psychologist's response should be included in the correspondence to the Board within the next four business days. Deputy Director Michaelsen questioned Mr. Beardsley as to when the Board should expect Dr. DenBoer's response to the 20-37 complaint as a response was not received within the prescribed timeframe. Mr. Beardsley stated that he would look into the matter and get back to the staff.

MOTION: Dr. Bohanske moved for the Board to grant the request for continuance and to combine the cases for consideration at a future Board meeting.

SECOND: Dr. Mellott

Dr. Bohanske stated that the Board will not grant any further requests to continue the cases. Vice-Chairwoman Davis-Wilson stated that all of the cases shall be considered at the Board's next in-person meeting, and that the tactics used to continue the matter further have been frustrating for all parties involved. Vice-Chairwoman Davis-Wilson stated she had significant concerns regarding the licensee's continued practice.

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board member voted against the motion: Vice-Chairwoman Davis-Wilson. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 6-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATED TO DR. JOHN DENBOER'S CONSENT AGREEMENT FOR CASE NOS. 16-39, 16-53 AND 17-23 AND POSSIBLE NON-COMPLIANCE WITH THE SAME.

Attorney Robert Beardsley was present on behalf of Dr. DenBoer. Chairwoman Shreeve observed that the licensee was subject to the terms of his Consent Agreement for a minimum of one year, which included the requirement of a practice monitor. The Board noted that the Consent Agreement is currently in effect and that the Board has not received a petition from the psychologist requesting release. Deputy Director Michaelsen stated that the doctor's practice monitor has reported that they are no longer officially providing supervision and that the last report to the Board was dated October of 2019. Deputy Director Michaelsen added that in January of 2020, Dr. DenBoer's counsel indicated that while formal supervision may have ended, they were in direct communication.

Mr. Beardsley informed the Board that Dr. DenBoer was not currently practicing. Chairwoman Shreeve stated that the licensee should be advised that he should not be practicing unless and until he has obtained a Board-approved practice monitor. Mr. Beardsley stated that Dr. DenBoer is aware and in compliance with the Consent Agreement terms.

THE FOLLOWING AGENDA ITEMS ARE UNTIMED AND MAY BE DISCUSSED AND DECIDED UPON AT VARIOUS TIMES THROUGHOUT THE MEETING AT THE DISCRETION OF THE CHAIR

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SELF-REPORT SUBMITTED BY HOLLY JOUBERT, PSY.D.

Dr. Joubert participated telephonically during the Board's consideration of this matter. Deputy Director Michaelsen summarized that the Board received a self-report wherein Dr. Joubert disclosed an arrest involving driving while impaired. The Board noted that Dr. Joubert disclosed the information to the Board within ten days as required by A.R.S. § 32-3208. Deputy Director Michaelsen stated that the Board previously tabled this case pending the outcome of the criminal matter. Dr. Joubert complied with the Board's request for interim biweekly updates, and the criminal case was ultimately dismissed on February 21, 2020.

Dr. Bohanske thanked the licensee for being attentive and complying with the Board's requests in a timely fashion, which he stated is the type of ethical behavior the Board expects and appreciates. Dr. Mellott appreciated the licensee's self-report and recognized that the disclosure was made within ten days as required by statute. Dr. Flowers observed that the charges were dismissed without prejudice, and stated that in the event that the charges are refiled, the licensee would be required to make another disclosure to the Board at that time pursuant to the same reporting statute, A.R.S. § 32-3208.

MOTION: Dr. Mellott moved for the Board to take no further action on this matter.

SECOND: Dr. Bohanske

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Davey, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION SUBMITTED BY HEIDI DALZELL, PSY.D.

Dr. Dalzell was not present during the Board’s consideration of this matter. Ms. Poe summarized that on February 21, 2020, the Board received Dr. Dalzell’s license renewal application wherein she answered in the affirmative to application questions relating to investigations, allegations of unprofessional conduct, and discipline. Dr. Dalzell’s renewal application was accompanied by a detailed explanation and timeline of the events as well as copies of official documentation regarding the matter. Ms. Poe reported that the renewal application is currently pending and that the Board’s staff was seeking further direction from the Board in this matter.

Chairwoman Shreeve stated that the documentation from the lawsuit was unclear with regard to the role of Dr. Dalzell in the underlying incident. Ms. Poe clarified that Dr. Dalzell was providing therapy to the individual who filed the lawsuit, according to the documentation submitted by the licensee, and that the patient’s allegations included that the patient was deteriorating while in the facility being treated by Dr. Dalzell. Ms. Poe stated that the lawsuit resulted in a settlement and was reported to the National Practitioner’s Data Bank (NPDB); however, Ms. Poe stated that the licensee indicated that she was not aware of the lawsuit until recently going through a credentialing process. Dr. Dalzell reported that she filed a response to the NPDB report denying the allegations against her. Dr. Flowers stated it appeared that the licensee’s professional liability policy paid a substantial settlement on her behalf.

Dr. Bohanske stated that the action was taken against the facility as it was the facility’s insurance that made the settlement. Dr. Bohanske commented that when an agency or facility is sued, it appears to be custom of the legal profession to include the individuals involved in the case. Dr. Bohanske stated that based on his review of the case, it was clear that the lawsuit was pursued against the facility and not the licensee directly. Dr. Bohanske stated that there was nothing in the documentation that argued the licensee practiced in an inappropriate manner.

MOTION: Dr. Bohanske moved for the Board to proceed in renewing the license without further Board action.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Davey, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO THE RESULTS OF THE FITNESS FOR DUTY EVALUATION COMPLETED BY DR. RACHELE “BARRIE” WAGNER IN ACCORDANCE WITH HER 12/13/2019 INTERIM CONSENT AGREEMENT FOR COMPLAINT NO. 20-09.

Deputy Director Michaelsen reported that the Board summarily suspended Dr. Wagner on October 23, 2019 after receiving a complaint that she may currently be unable to practice safely and had two recent arrests. Dr. Wagner entered into an Interim Consent Agreement with the Board that required her to comply with terms including completion of a fitness-for-duty evaluation to determine where she was safe to practice psychology. Dr. Wagner complied and underwent the evaluation within the prescribed timeframe. The Board and the licensee were provided copies of the evaluation results, and thereafter Dr. Wagner contacted Board staff regarding possibly surrendering her license. Dr. Wagner ultimately declined to enter into a Consent Agreement for Surrender of Licensure, and elected to appear before the Board. Dr. Wagner did not appear at the Board’s meeting and informed staff that she was feeling ill and requested a continuance.

The Board elected to continue this matter to a future meeting to allow the licensee to appear before the Board.

13. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON POTENTIAL CHANGE BY THE ASPPB TO THE CERTIFICATION OF PROFESSIONAL QUALIFICATION (CPQ)

Executive Director Herbst Paakkonen commented that the Board recognizes CPQ as one of the credentials to qualify for Arizona licensure as a psychologist. She reported that the ASPPB is contemplating a change in the CPQ requirement for applicants’ doctoral degrees to come solely from American Psychological Association (APA) accredited programs. Executive Director Herbst Paakkonen stated that the ASPPB requested input from member boards by March 1, 2020, and that the Board was granted an extension to provide the Board’s position on the proposed change.

Dr. Bohanske stated that there is a relatively small group of jurisdictions that have maintained a long-standing policy that they do not recognize as an appropriate education any doctoral degree that is not approved by the APA. Dr. Bohanske stated that the Board has elected to recognize an education that through other accreditation entities are determined to be equivalent to the requirements set forth by the APA. He stated that he finds the change restrictive and prejudicial. Dr. Bohanske further commented that there is a substantial number of graduates who meet or exceed the APA accredited training programs and stated that it should be recognized. Dr. Mellott agreed with Dr. Bohanske’s comments and spoke against the proposed change. She stated that the change would result in licensees having difficulty obtaining licensure when moving from state-to-state. Dr. Gill concurred with the comments made by Drs. Bohanske and Mellott, and stated that there are current laws regarding universal recognition that would also be affected by the change. AAG Galvin requested the Board allow her the opportunity to further research the matter and prepare a memorandum for the Board’s review on this issue.

Dr. Flowers agreed with the comments made by Board members, and stated that he would not be comfortable rejecting applicants who meet appropriate standards. Dr. Bohanske suggested the Board allow the AAG to provide a memo of guidance prior to proceeding with a motion. AAG Galvin stated that based on the Board’s discussion, it appeared the Board opposed the proposed change and that it would be appropriate to instruct the Executive Director to communicate with the ASPPB along those lines. Drs. Bohanske and Mellott volunteered to assist the Executive Director in drafting a response to the ASPPB.

MOTION: Dr. Bohanske moved for the Board to direct the Executive Director to communicate the Board’s position on this issue to the ASPPB.

SECOND: Dr. Gill

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Dr. Davey, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board member was absent: Dr. Meier.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO QUESTIONS CONCERNING INDEPENDENT MEDICAL EVALUATIONS (IMEs) AS PERFORMED BY PSYCHOLOGISTS

Executive Director Herbst Paakkonen stated that at the Board’s February 13, 2020 meeting, a member of the public addressed the Board during the Call to the Public and posed questions relative to the regulation of psychologists performing IMEs. At the time, the Board was not able to engage with the speaker or make comments since the discussion topic was not on the Board’s agenda. This item was placed on today’s meeting agenda for the Board’s discussion per the Board’s prior instruction for staff to do so. Executive Director Herbst Paakkonen informed the Board that the statutory reference to the issue of IMEs is not under the Board’s title or chapter, but is located under A.R.S. § 23-1026(D).

AAG Galvin stated that she supplied a memorandum for the Board’s review as it discussed the statute in question and the analysis was previously presented to the Board. She explained that statute prohibits a regulatory board from adjudicating complaints against a practitioner who has conducted an IME for unprofessional conduct if the complaint challenges the outcome of the IME. Dr. Bohanske stated that the Board is somehow confronted with a law, or part of, that says the Board does not have jurisdiction over a psychologist who is providing services defined as an IME even if the evaluation is inappropriate or harmful to the public. Dr. Bohanske expressed his frustration with the situation, and stated that the Board has spent significant time reviewing cases found to be of substantial concern, but could not take action. Dr. Bohanske stated the Board’s mission is to protect the public and that the Board should have the ability to treat all psychology services equally in terms of ensuring that they are provided by competent psychologists following a standard of care that is not harmful to the public.

Vice-Chairwoman Davis-Wilson questioned who had jurisdiction over matters involving IMEs. She expressed significant concern that an individual may be practicing outside of their scope of practice or engaging in unprofessional conduct, but cannot be adjudicated. AAG Galvin reiterated that statute prohibits the Board from adjudicating complaints against a practitioner who has conducted an IME if the complaint challenges the outcome of the IME. Chairwoman Shreeve stated that it is frustrating that an individual is not permitted to file a complaint if they are not happy with the outcome of an IME. She stated that the Board reviews the services provided, not just the outcome, when adjudicating cases. Chairwoman Shreeve stated that it is a disservice if the Board cannot adjudicate complaints from individuals who feel that they were not provided a study within the proper guidelines.

Dr. Bohanske proposed agendaizing this discussion topic for the Board’s Legislative Committee to review and determine whether a statutory change was required. Vice-Chairwoman Davis-Wilson stated that the issue of IMEs affects some of the Board’s most vulnerable population, which she

believed may have been overlooked in the process.

15. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ADDRESSING ISSUES IN THE SUNSET AUDIT REPORT AS IT PERTAINS TO RECOMMENDATION #7 FOR FEE EVALUATION AND POSSIBLE FEE REDUCTION

Executive Director Herbst Paakkonen stated that the fees charged by 90/10 regulatory boards with growing fund balances as a result of those fees is currently under scrutiny. She stated that upon further review of the Board's fees, she believed that the fees for initial licensure were appropriate based on the level of effort required to process and review applications for initial licensure. Executive Director Herbst Paakkonen stated that the Board may want to consider reducing renewal fees, and provided the Board with a spreadsheet rundown of the data she collected in her research into the issue. She further reported that HB2809 is pending the current legislative session, which will require boards to review the fees charged on an annual basis and waive or reduce fees if the board's fund balance exceeds 50% of the appropriation amount.

Dr. Bohanske noted that mandates regarding electronic equipment and database systems involve costs that may not have been overlooked when this issue came to light, and stated that the Board needs its fund balance in preparation of upcoming mandates. Dr. Mellott commented that lowering the cost for initial licensure would be more appropriate as she believed that those individuals are in more need of the cost savings. Executive Director Herbst Paakkonen stated that the legislation that is currently pending did not mention costs associated with implementing the changes and issuing the refunds. Chairwoman Shreeve thanked the Executive Director for her report and requested that she continue to apprise the Board of any new developments. Dr. Bohanske observed that prior legislation that passed required further Board training, and stated that the Board members have undergone training on a one-on-one basis in an effort to keep costs down.

Executive Director Herbst Paakkonen stated that her report reflects numbers that were captured prior to the introduction of HB2809, and that the data would need to be adjusted. Dr. Bohanske asked that the data be re-analyzed.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ASPPB CALL FOR AWARD NOMINATIONS

- a. State-Provincial Service Award Nomination
- b. Norma P. Simon Award Nomination
- c. Ming Fisher Award Nomination
- d. ASPPB Fellow Nomination

Executive Director Herbst Paakkonen referred the Board to her memorandum regarding this item, and stated that nominations were not a requirement. Dr. Bohanske proposed Dr. Mellott for the ASPPB Fellow Nomination, noting that Dr. Mellott has served on the Board for more than fifteen years and has represented the academic and regulatory communities well. There were no other nominations made by the Board.

MOTION: Dr. Bohanske moved to nominate Dr. Mellott for the ASPPB Fellow Nomination.

SECOND: Chairwoman Shreeve

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 7-yay, 0-nay, 2-absent.

MOTION PASSED

17. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Bohanske proposed agendaizing an item relating to the IME concerns discussed during today's proceedings. He stated that the Board may want to consider legislation pertaining to the issue. Dr. Bohanske also requested an update regarding legislative matters that are of interest to this Board. The Board proceeded to pull the Executive Director's Report from the Consent Agenda for further discussion regarding pending legislative matters.

18. ADJOURNMENT

MOTION: Vice-Chairwoman Davis-Wilson moved for adjournment.

SECOND: Dr. Flowers

VOTE: The following Board members voted in favor of the motion: Chairwoman Shreeve, Vice-Chairwoman Wilson, Dr. Bohanske, Mr. Dynar, Dr. Flowers, Dr. Gill, and Dr. Mellott. The following Board members were absent: Dr. Davey and Dr. Meier.

VOTE: 7-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board's meeting adjourned at 2:27 p.m.