



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

May 1, 2020 - 9:30 a.m.

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

1. CALL TO ORDER

Dr. Davis-Wilson called the meeting to order at 9:31 a.m.

2. ROLL CALL

Committee Members Participating by Telephone

Diana Davis-Wilson, DBH, BCBA - Chair

Bryan Davey, Ph.D., BCBA-D

Paige Raetz, Ph.D., BCBA-D

Donald Stenhoff, Ph.D., BCBA-D

Staff Present

Heidi Herbst Paakkonen, Executive Director

Kathy Fowkes – Licensing Specialist

Assistant Attorney General Present

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

Dr. Davis-Wilson thanked the Board staff for their efforts implementing a series of directives in response to COVID-19, and in spite of all the challenges, continuing to ensure information is shared with the Committee members in a timely fashion. She also thanked the Committee members for the extra investment of time preparing for meetings given the many issues being brought before it. Dr. Davis-Wilson noted the Board appreciates the work of the Committee as well. She acknowledged the staff is exploring video-based platforms for the upcoming Board and encouraged its use for the Committee's future meetings.

4. APPROVAL OF MINUTES

A. March 30, 2020 Regular Session

MOTION: Dr. Stenhoff moved to approve the minutes as drafted. Dr. Davey seconded the motion.

VOICE VOTE: The motion was approved 4-0

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

A. Behavior Analyst Application for Licensure

1) Alison Carter Dillon, 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.

2) Cole Mark Mason Goudreau, M.S.

Dr. Raetz recused from the consideration of this application. Dr. Stenhoff stated for the record that he was formerly the applicant's instructor but can review the application without bias. Dr. Davey summarized the application noting the disclosure of a DUI charge in 1999 when he was 17. Additionally, he was charged with urinating in public 9 years ago. Mr. Goudreau supplied information verifying a successful background check, and a statement that he takes responsibility for the actions he reports and has learned his lesson to refrain from this type of behavior. The members discussed that the reported events occurred 9 years ago and there have been no issues since. 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) Haley Kathleen Diane Rose, M.A.

Dr. Raetz disclosed that she works for the same organization as the applicant, however they are in different departments and therefore she can review the application without bias. 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.

4) Heather Ramsden, 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, and that the application can be forwarded to the Board with a recommendation to grant the license.

5) Jessica Angela Goss, 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.

6) Joel Salvatore Matiella, M.Ed.

Dr. Stenhoff disclosed he formerly worked at the same agency as Mr. Matiella several years ago but has not had contact with the applicant since that time. Dr. Davey stated he has known the applicant in the past but has not had professional contact with him for a number of years. Dr. Davey summarized the application and noted the Mr. Matiella disclosed that he was charged with possession of marijuana 18 years ago and completed his sentencing terms. Additionally, he was arrested 3 years ago for disorderly conduct ensuing from a domestic conflict. The members concurred that the explanation and other documentation provided establishes that the applicant has reformed his behavior. 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.

7) Kimberly Daum, 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, and that the application can be forwarded to the Board with a recommendation to grant the license.

8) LaShae J. Holmes, 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.

9) Leah Shapiro, M.S.

The Committee proceeded with a substantive review of the application. Upon review, the Committee noted a discrepancy between the graduation date she listed on the application and the date on her transcript; this will require confirmation as the date has some bearing on whether certain supervision hours are qualifying for purposes of meeting the requirements. The members also noted that her completed coursework does not meet the requirement of 270 hours, and a submitted supervision form indicates that supervision was provided by an individual who is not certified as a behavior analyst.

The Committee members discussed whether to recommend the Board allow her the opportunity to withdraw her application given the substance of the application. The discussion also reflected that the application contained some clerical errors and omissions. Ms. Galvin advised that staff can relay that to the applicant and recommend she address those errors should she choose to apply in the future.

MOTION: Dr. Davis-Wilson offered a motion that given the fact Ms. Shapiro does not meet the requirements for licensure, she be allowed 14 days to withdraw the application. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved 4-0

10) Rachel Zvareck, 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, and that the application can be forwarded to the Board with a recommendation to grant the license.

11) Shannon Weller, M.S. (FAIR*)

The applicant was present for the review and discussion of her application and agreed to answer members' questions. The Committee noted the discrepancy between the information originally submitted by Ms. Weller, and the statement supplied by the applicant more recently relative to her disclosure of a criminal charge in her past. In response to the question why did she initially only mention possession of a drug paraphernalia item when the subsequent documentation indicates possession of an illegal substance. Ms. Weller admitted to the Committee of having a small amount of marijuana in her purse at school in 2008. She stated she was going through some personal trauma at the time due to her mother's acute illness, and she has blocked out some of her memories of that period of time. Ms. Weller affirmed that the follow-up information she supplied is correct and complete based on her father's help to reconstruct those events. She also confirmed this charge occurred in 2008 when she was a minor. The members concurred the application 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.

MOTION: Dr. Davey moved to forward all applications with the exception of that for Ms. Shapiro to the Board with a recommendation to grant licensure. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved 4-0 (with Dr. Raetz recused from the vote on Mr. Goudreau).

B. Behavior Analyst Application for Licensure by Universal Recognition

1) Miriam G. Young, 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.

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

VOICE VOTE: The motion was approved 4-0

**First Additional Information Request*

6. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COVID-19 RELATED BOARD ACTIONS TAKEN ON LICENSE AND SUPERVISION WAIVERS; TEMPORARY LICENSES; PROVISIONAL LICENSES

Ms. Herbst Paakkonen called to the Committee members' attention the compilation of the various waivers and temporary licensure opportunities adopted by the Board. The discussion reflected that the Board has been very responsive to the various Executive and Administrative Orders that have been issued under the current state of emergency. Additionally, it was noted that some of the waivers require a transition period back to normal enforcements of the statutes and rules.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING BACB SUPERVISION FREQUENCY REQUIREMENT

The Committee members recalled its discussion from the previous meeting which generated this agenda item. Specifically, the supervision rules states that with independent fieldwork the supervision is to occur at a frequency established by the BACB, but other rule language is less prescriptive. The Committee discussed whether the standard as established by the BACB needs to be affirmed as that required for Arizona licensure. The Committee also questioned which time frame should this Board consider – the previous set of standards of the BACB, or the current ones, when considering an application. Ms. Galvin advised the Committee that it must apply the requirements that are in place at the time the application is pending. The members noted that this should not be an issue as the current standards are slightly less stringent than the previous set. The Committee asked Ms. Galvin to research whether it is problematic that the Board’s supervisor form asks a question that the BACB form does not.

8. 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

Ms. Herbst Paakkonen summarized the current status of the Arizona Legislature in terms of remaining in recess, noting that the body is considering several options relative to whether to resume, when to possibly resume, and what work may be addressed should the members reconvene. She further explained that this means HB2224 psychology board; licensure; fingerprinting remains in suspension along with several hundred other bills, and their fate is uncertain.

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

Ms. Herbst Paakkonen advised the Committee members that the BACB very recently announced that some of the Pearson VUE test centers are opening across the country. Reportedly appointments are very limited, and the announcement and system changes rollout has not been entirely smooth.

Dr. Davis-Wilson reported that the pandemic is adversely impacting trainees’ ability to acquire the required level of client observation due to lack of access to clients. With COVID-19 adversely impacting supervisees’ ability to acquire the hours, BACB announced it is temporarily waiving the requirements for direct patient observation in the event the supervisees do not have access to the client and permitting acquisition of supervised hours completed through other indirect client activities. Ms. Galvin advised the Committee may consider adopting a motion consisting of a recommendation to the Board to address this by granting a waiver under the authority granted by the Arizona Department of Health Services. Ms. Galvin also

MOTION: Dr. Davis-Wilson moved to direct board staff and Ms. Galvin to draft language for a proposed waiver to present to the Board to address the modified BACB supervision experience requirement in light of COVID-19. Dr. Raetz seconded the motion.

VOICE VOTE: The motion was approved 4-0.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ORDER ISSUED BY THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY, DIVISION OF DEVELOPMENTAL DISABILITIES, "PARENTS TEMPORARILY BECOMING DIRECT CARE WORKERS DURING THE COVID-19 EMERGENCY"

Dr. Davis-Wilson explained to the Committee that the Arizona Department of Economic Security, Division of Developmental Disabilities, is temporarily permitting parents of children receiving services to be granted direct care worker status given the impacts of the pandemic. This decision encompasses habilitation, however there is a caveat in that there is a requirement services be delivered under behavior analyst supervision, This introduces a potential of a dual relationship in violation of the BACB professional and ethical compliance code for behavior analysts. The Committee members noted that the current circumstances are very trying for impacted families and as regulators the challenge is to find the right balance between public protection and prevention of public harm. The members questioned whether a statement addressing this issue could be issued proactively to which they can refer in the future should a complaint be submitted concerning a behavior analyst fostering an arrangement that amounts to a dual relationship. Ms. Galvin advised the Committee that she will give some thought to the Board's role concerning this issue. She also advised that this matter can be memorialized in the Committee minutes for the record so it can be referred back to should a complaint or specific concern emerge at some point in the future. The members noted there may be opportunities to discuss this matter with representatives of the Arizona Department of Economic Security, Division of Developmental Disabilities and with those at the Arizona Health Care Cost Containment System should a case present to the Committee. Finally, the members acknowledged there are opportunities for the profession to focus efforts on educating its members on best practices and adhering to the established ethical standards.

11. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The members directed staff to add an item to the next agenda specific to licensure and regulatory issues under COVID-19 impacting the Committee and Board's mission. The Committee also requested an item to learn of the decision of the Board concerning the waiver recommendation for item 9 on this agenda. The members concurred that agenda items specific to issues of stakeholder input will be placed on a meeting agenda as those issues emerge.

12. ADJOURNMENT

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

VOICE VOTE: The motion was approved 4-0 and the Committee adjourned at 11:24 a.m.