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Executive Director

Committee on Behavior Analysts

REGULAR SESSION MINUTES

May 28, 2021 - 9:30 a.m.

Held via Zoom

1.	CALL TO ORDER Dr. Stenhoff, Committee Chair, called the meeting to order at 9:31 a.m.
2.	ROLL CALL - Ms. Fowkes <u>Committee Members Present</u> Donald Stenhoff, Ph.D., BCBA-D, Chair – Present Bryan Davey, Ph.D., BCBA-D – Present Diana Davis-Wilson, DBH, BCBA – Present (<i>joined the meeting at 10:06 a.m.</i>) Paige Raetz, Ph.D., BCBA-D – Present Tisha Denton, M.Ed., BCBA – Present A quorum of the Committee was established.
3.	REMARKS/ANNOUNCEMENTS <ul style="list-style-type: none">General Committee Remarks, Announcements and Updates <p>Dr. Stenhoff thanked the staff for their efforts to assemble the materials for the meeting. He noted that several of the applicants for licensure very recently applied and were able to complete their files within a short time, and commended the staff for facilitating this achievement.</p>
4.	APPROVAL OF MINUTES <ul style="list-style-type: none">March 26, 2021 Stakeholder Meeting MinutesApril 30, 2021 Regular Session MinutesApril 30, 2021 Executive Session Minutes <p>MOTION: Dr. Davey moved to adopt the three sets of minutes as drafted. Ms. Denton seconded the motion.</p> <p>VOTE: The motion was approved 4-0.</p>

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

a. Complaint No. 21-17, Jeffrey Siegel

Dr. Stenhoff introduced the agenda item. The Committee noted that although he was issued a subpoena to appear, Mr. Siegel was not present and has not responded to any of the communications issued by Board staff. Ms. Michaelsen summarized the history of those attempts, and also noted that Mr. Siegel failed to provide the Board with a current address in accordance with the 30-day requirement established by Board rule. Ms. Michaelsen affirmed that Mr. Siegel last renewed his Arizona license in May of 2020. In response to a question posed by a Committee member, Ms. Michaelsen reported that the BACB indicated he is currently supervising 2 RBTs in California.

MOTION: Dr. Davey moved to forward the complaint to the Board with recommendations that reflect the following statutes appear to have been violated by Mr. Siegel: A.R.S. §32-2091 (12) at (bb), failing to furnish information in a timely manner to the board or its investigators or representatives if requested or subpoenaed by the board as prescribed by this article; at (dd), violating an ethical standard adopted by the board (sections 2.0 and 9.01 of the BACB Professional and Ethical Compliance Code for Behavior Analysts); and at (k), violating any federal or state law that relates to the practice of behavior analysis or to obtain a license to practice behavior analysis. Dr. Raetz seconded the motion.

VOTE: The motion was approved 5-0

In response to a question Ms. Galvin advised that while there are concerns about the supervision Mr. Siegel is providing in California, this matter can be reported to the BACB following the Board's action.

b. Complaint No. T-21-02, Brandy Collins

Dr. Davis-Wilson summarized the complaint opened by the Board following the review of an application file in which Ms. Collins was named as a supervisor. Ms. Collins is licensed in Texas, but not licensed in Arizona. Ms. Collins indicated that she was asked by Paige Huff to provide unrestricted supervision hours, and during that arrangement she was advised by Ms. Huff that she would have a licensed behavior analyst in Arizona to supervise her BCaBA work. Ms. Collins stated that Ms. Huff misrepresented the arrangement to the CBA and to the Board, and that Ms. Huff claimed to have been responsible for certain things that were not true. Ms. Collins terminated the agreement with Ms. Huff and stated in her complaint response that it was her position that she did not provide any supervision of Ms. Huff specific to any Arizona clients.

Ms. Collins was present and introduced herself to the Committee, noting that she is a BCBA and a LBA in Texas. She stated that she would be happy to correct the intentional misstatements made by Ms. Huff, and she supplied copies of the correspondence reflecting that Ms. Huff had an Arizona licensed supervisor. Ms. Collins stated that she is certain she never had contact with any Arizona clients through her supervision arrangement.

In response to Committee questioning Ms. Collins explained that Ms. Huff had requested that she provide supervision documentation to the Board. She then explained that she was advised the hours of supervision she supplied to Ms. Huff were non-qualifying and therefore she elected to not submit any documentation in support of Ms. Huff's application.

The Committee deliberated the case and the discussion reflected that Ms. Collins' actions do not rise to the level of a violation. The discussion also noted that there were some concerns raised today that have been previously adjudicated and therefore do not need to be re-litigated.

MOTION: Dr. Davis-Wilson moved to make a recommendation to the Board to dismiss the complaint. Ms. Denton seconded the motion.

	<p>DISCUSSION: The Committee thanked Ms. Collins for appearing today and for submitting such a thorough response. Ms. Collins was advised that Board staff will provide her notice of the scheduling of this matter on the June 4, 2021 Board meeting.</p> <p>VOTE: The motion was approved 5-0.</p>	
6.	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO THE BOARD PERTAINING TO APPROVAL OF BEHAVIOR ANALYST APPLICANTS</p>	
	<p>A. Behavior Analyst Applications for Licensure</p>	
	1) Alyssa D. Duguay, M.A.	
	<p>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.</p>	
	2) Amoa Childs, M.S.	
	<p>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.</p>	
	3) Amy Sulger, M.Ed.	
	<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, however the applicant was certified in 2012 but did not complete her supervised hours until December 2019 through December 2020. It was noted that the supervisor was in a lateral position in that both she and the applicant were serving as clinical directors. The Committee acknowledged that there are some scenarios that could explain this situation, but a request for additional information would provide the necessary clarity. Additionally, Ms. Fowkes advised the Committee that the identified supervisor is also an applicant and the subject of a recently issued FAIR letter to which the Board has not received a reply.</p> <p>MOTION: Ms. Denton moved to issue a FAIR letter to the applicant in order to obtain the required information to ascertain whether her supervision requirements were appropriately met. Dr. Davis-Wilson seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>	
	4) Christina Alvarez, M.A.	
	<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules, with the exception of the fact that the applicant disclosed a criminal charge from 3 years ago. The records reflect that she complied with the court ordered terms, that she appropriately reported the incident to her employer and to the BACB, and that there have been no subsequent incidents. The Committee determined the application can be forwarded to the Board with a recommendation for approval.</p>	

	5) Christopher Morris, M.Ed.	
<p>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.</p>		
	6) Cristina Martinez, M.S.	
<p>The Committee proceeded with a substantive review of the application.</p> <p>MOTION: Dr. Davis-Wilson moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davey seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p> <p>Upon resuming the meeting in public session, 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.</p>		
	7) Dariia Gwinn, M.A.	
<p>MOTION: Dr. Davis-Wilson moved to meet in Executive Session for purposes of receiving legal advice. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p> <p>Upon resuming the meeting in public session 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.</p>		
	8) Eileen Dael, M.S.	
<p>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.</p>		
	9) Karissa Glenn, M.A.	
<p>Dr. Davis-Wilson recused from the review and vote for this application file. 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.</p>		
	10) Kyana Canady, M.S.	
<p>Dr. Davis-Wilson abstained from the review and vote for this application file. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact there was a recording discrepancy in two separate entries for the number of supervised hours in two different documents in</p>		

	the file; in both instances the hours total to meet the 1,500 hour threshold. The Committee determined the application can be forwarded to the Board with a recommendation for approval.	
	11)	Lauren M. So, 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.	
	12)	Lena S. Kazaryan, 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)	Maia T. Jones, M.S.
	Dr. Raetz recused from the review of the application. Dr. Stenhoff disclosed that he was previously the applicant's instructor but is able to review the application objectively. The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that she will need to make a correction to one of the supervision dates that appears to be a typographical error. The Committee directed staff to seek the correction; if received on time and acceptable the application can be on the next Board agenda with a recommendation for approval.	
	14)	Nadia Todd, 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)	Naomi Furlong, 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.	
	16)	Samantha Rochford, 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 with the exception of the fact that on question #6 the answer should be "N/A" but she erroneously answered "yes". The Committee directed staff to seek the correction; if received on time and acceptable the application can be on the next Board agenda with a recommendation for approval.	
	17)	Shawna Mieke, 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)	Trenessa Waters-Trice, M.A.	
<p>The Committee proceeded with a substantive review of the application. Upon review, the Committee noted that the materials submitted were complete and fulfilled the requirements of statutes and rules with the exception of the fact that she recorded incorrect dates relative to her Ph.D. program, and the course sequence she complete appears to have some deficiencies. It was noted that additional documentation is required to verify that she in fact completed what appears to be a deficient 270 hours as required under A.A.C. R4-26-405(B). The Committee directed Board staff to issue a FAIR letter reflecting these issues to the applicant.</p>		
19)	Tristina Ellenburg, M.S.	
<p>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.</p>		
20)	Brittany Messina, M.Ed.	
<p>Dr. Davis-Wilson and Ms. Denton disclosed for the record that they are recused from the consideration of this application.</p> <p>MOTION: Dr. Stenhoff moved to meet in Executive Session for purposes of receiving legal advice. Dr. Davey seconded the motion.</p> <p>VOTE: The motion was approved 3-0.</p> <p>Dr. Stenhoff advised the Committee that new information had very recently emerged concerning this application that necessitates some additional gathering and presentation of facts prior to the review and recommendation of any actions. In light of the new discovery the application will be tabled for consideration on a future meeting agenda.</p>		
21)	Melissa Harrison, M.S.	
<p>Dr. Stenhoff and Dr. Davis-Wilson both indicated that they are recused from the consideration and action on this application. Dr. Davey served as Chair for purposes of this item. The applicant was present for the review and discussion. The application reflect that she provided a total of 90 hours of (non-qualifying for purposes of licensure) supervision to individuals working toward licensure in Arizona when she herself was not licensed in this state. Ms. Harrison submitted documentation reflecting that once she became aware of this, in an effort to remediate her mistake she notified all impacted parties in writing and obtained their signature acknowledging those hours would be forfeited. The Committee discussed whether these actions constitute appropriate corrective action.</p> <p>MOTION: Dr. Davey moved to meet in Executive Session for purposes of receiving legal advice. Ms. Denton seconded the motion.</p> <p>VOTE: The motion was approved 3-0.</p> <p>Upon resuming the meeting in public session the Committee revisited the discussion concerning Ms. Harrison’s attempts to remediate the situation. It was the consensus of the Committee that Ms. Harrison was proactive in self-reporting, transparent with the Committee, and without any direction designed and implemented appropriate corrective action on her own.</p> <p>MOTION: Dr. Davey moved to forward the application of Ms. Harrison to the full board with a recommendation for licensure. Dr. Raetz seconded the motion.</p>		

	<p>VOTE: The motion was approved 3-0.</p> <p>MOTION: Ms. Denton moved to forward the applications of Alyssa D. Duguay, M.A.; Amoa Childs, M.S.; Christina Alvarez, M.A.; Christopher Morris, M.Ed.; Cristina Martinez, M.S.; Dariia Gwinn, M.A.; Eileen Dael, M.S.; Karissa Glenn, M.A.; Kyana Canady, M.S.; Lauren M. So, M.A.; Lena S. Kazaryan, M.A.; Nadia Todd, M.Ed.; Naomi Furlong, M.S.; Shawna Mieke, M.A.; and Tristina Ellenburg, M.S. to the full Board with a recommendation for approval. The motion included the provision that the applications of Maia T. Jones, M.S. and Samantha Rochford, M.A. be forwarded with a recommendation for approval if the required corrections were received prior to the Board meeting. Finally, the motion indicated that FAIR letters be issued to Amy Sulger, M.Ed. and to Trenessa Waters-Trice, M.A. as reflected by the discussion. Dr. Davey seconded the motion.</p> <p>VOTE: The motion was approved 5-0 (with recusals and abstentions as noted above).</p>
<p>7.</p>	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RECENT UPDATES FROM THE BEHAVIOR ANALYST CERTIFICATION BOARD (BACB)</p> <p>Ms. Paakkonen summarized the updates from the BACB as including a bulletin that Indiana and North Carolina very recently enacted legislation to regulate behavior analysts, and a summary of ASHA’s public policy efforts to define “behavior analysis” as not including any speech or language services. The discussion reflected concerns that one profession is attempting to limit another’s scope when the evidence that support behavior analysts’ scope is compelling. The Committee also discussed possible efforts in 2022 to attempt to revise the scope of practice statute language in partnership with AzABA.</p>
<p>8.</p>	<p>DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF HB2454 TO INCLUDE ESTABLISHING THE OUT-OF-STATE PRACTICE REGISTRY</p> <p>Ms. Paakkonen reminded the Committee that this bill establishes a registry for out of state licensees for purposes of practicing into Arizona. She noted that the emergency clause of the bill requires immediate establishment of the registry, and another clause of the bill exempts the agency from the rulemaking process requirements for one year. Two recommendations are requested of the Committee to forward to the Board for consideration and approval: the application and renewal fees, and also the application time frames. Ms. Paakkonen explained her recommendation that the registry application time frames be consistent with those established for unrestricted licensure in order to keep all phases of the application process consistent with respect to timing. She also advised the Committee that in the absence of any evidence or data to suggest appropriate fees, she is recommending that the fees be consistent with those for unrestricted licensure given that the registry applications will likely require at least as much effort to process.</p> <p>MOTION: Dr. Davey moved to recommend to the Board the same fees and time frames established for licensure be established for the registry application process. Dr. Raetz seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>
<p>9.</p>	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO, THE GENERAL APPROPRIATIONS ACT FOR STATE FISCAL YEAR 2022</p> <p>Ms. Paakkonen stated this item is on the agenda for purposes of providing an update relative to the additional new position. She indicated that she recently shared the news that the additional position is in the bill and therefore it is almost a foregone conclusion that it will be established. She explained that the new position will</p>

	<p>be dedicated to behavior analyst applications and supporting the work of the Committee. The Committee members expressed their delight at this development.</p>
<p>10.</p>	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION EFFICIENCIES PROJECT</p> <p>Ms. Paakkonen explained that she and Ms. Michaelsen sought Ms. Galvin’s input relative to whether this effort constitutes a public meeting; Ms. Galvin advised that this can be treated as a project that involves working with some subject matter experts to accomplish a specific goal. She reminded the Committee that the purpose of this project is to develop some strategies and job aides that minimize application errors and shrink the application time frames. She noted that some of Ms. Doherty’s research focused on application errors, finding that there were many instances of such errors, and 20% of applications present to the Committee with errors. Ms. Paakkonen summarized some of the project tasks, and commented that once the new system is launched, the strategies and aids may no longer be as necessary as they are with a PDF application.</p> <p>Dr. Davis-Wilson volunteered to serve on the project.</p>
<p>11.</p>	<p>DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING PRACTICE MONITOR DEVELOPMENT PLAN</p> <p>Ms. Michaelsen provided an update to the Committee relative to this project, reminding the Committee that it has directed staff to work with AzABA to share information with invited members for purposes of providing an orientation to the role of practice monitor. She noted that a presentation is being arranged on June 16, 2021, and in addition to information to be provided by staff, Michael Redivo, Ph.D., one of the Board’s preferred psychologist practice monitors, will be featured in the presentation as he has very helpful perspective and experience to share. Dr. Davis-Wilson volunteered to participate to offer the regulatory viewpoint.</p>
<p>12.</p>	<p>DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON PRESENTATION OF COMPLETED STUDENT INTERNSHIP PROJECTS</p> <p>a. Caitlin Doherty - Research Agenda Presentation</p> <p>Ms. Paakkonen introduced Ms. Doherty and stated that the information gathered during Ms. Doherty’s research was particularly informative in that it addressed a number of regulatory issues and established a framework that could be updated and accessed in the future to inform decision. Ms. Doherty presented to the Committee the research she completed during her internship including tracking of claims that were opened as complaints since 2016, and complaints dismissed since 2015. Ms. Doherty stated that her research found that the Complaint Screening Committee has been successful in limiting the number of cases that need to be reviewed by the full Board, saving time and resources. Ms. Doherty reported that she researched all Board actions for the past ten years and categorized them by the types of violations, the three main categories involved failing to maintain adequate records; providing services unnecessary, unsafe or unprofessional; and violating ethical standards adopted by the Board. She proposed utilizing this data to consider designing education designed to reduce these areas of concern. Additionally, Ms. Doherty reported on requests for investigational reports and CE audits and explained that Arizona differs from other states as to availability and fees associated with investigational reports, and with respect to the frequency of CE audits.</p> <p>Ms. Doherty summarized that her research into BAs included the definition of BAs in other states as well as client. She stated that the majority of other states that did have BAs defined included the following in their definitions: “design, implementation and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior.” Ms. Doherty reported that the majority of states do not have a definition for “client,” and that some states also include what a BA is not within their</p>

	<p>definition. Ms. Doherty further reported on the percentage of BA applications that included data errors, of which 31 different types were identified, which results in delays in the licensing process and creates more work for both the Board’s staff and the applicant.</p> <p>The Committee thanked Ms. Doherty and also commended her research and presentation. Ms. Paakkonen reported that Ms. Doherty is serving in a different role providing temporary licensing support to the agency. She encouraged Committee members to share with her any additional thoughts or research suggestions for the fall internship.</p> <p style="text-align: center;">b. Elizabeth Bronold - Psychologist Consumer Education Video Presentation</p> <p>Ms. Paakkonen stated that for her internship Ms. Bronold was tasked with a challenging project that combined creativity, technology, and research in that she assembled a consumer focused information video for consumers of psychologist services. Ms. Paakkonen explained that while her internship was completed and she has graduated from her program, Ms. Bronold has been engaged this summer to assemble a similar video for behavior analyst service consumers.</p> <p>Ms. Bronold explained that the idea for the video was to create something that was consumer friendly and easy for the general public to access and digest the information. She stated that the complaint section of the Board’s public facing website contained overwhelming information and was hard to navigate causing issues for consumers trying to determine whether they should file a complaint versus a claim and were unsure about the complaints process itself.</p> <p>Following the viewing of the video the Committee members complimented Ms. Bronold on the product and concurred that it will be a very helpful resource to consumers. Ms. Bronold explained that she struggled to find a lot of information and content targeted to that audience given the paucity that has been developed. She also provided some early insights into how the behavior analyst video is coming together, noting that more time will be devoted to explaining what are behavior analytic services. Ms. Paakkonen acknowledged Ms. Denton’s contributions to the video as the subject matter expert and advisor to the content development.</p>
<p>13.</p>	<p>NEW AGENDA ITEMS FOR FUTURE MEETINGS</p> <p>A request was made to add to the next agenda a discussion on promoting the confidential Rehabilitation and Monitoring Program (RAMP).</p>
<p>14.</p>	<p>ADJOURNMENT</p> <p>MOTION: Dr. Davis-Wilson moved to adjourn the meeting. Ms. Denton seconded the motion.</p> <p>VOTE: The motion was approved 5-0.</p>