



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

Held virtually via Zoom on August 6, 2021

Board Members

Diana Davis-Wilson, DBH, BCBA – Chair
Bryan Davey, Ph.D., BCBA-D – Vice-Chair
Mathew A. Meier, Psy.D. – Secretary
Linda Caterino, Ph.D.
Aditya Dynar, Esq.
Stephen Gill, Ph.D.
Melanie Laboy, Esq.
Ramona N. Mellott, Ph.D.
Tamara Shreeve, MPA

1. CALL TO ORDER

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

2. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Mr. Dynar, Dr. Gill, Dr. Meier, Dr. Mellott and Ms. Shreeve. The following Board member was absent: Ms. Laboy.

ALSO PRESENT

The following Board staff participated in the virtual meeting: Heidi Herbst Paakkonen, Executive Director; Jennifer Michaelsen, Deputy Director; Jeanne Galvin, Assistant Attorney General (AAG); Kathy Fowkes, Licensing Specialist; Krishna Poe, Programs & Projects Specialist; and, Andrea Cisneros, Minutes Administrator.

3. REMARKS/ANNOUNCEMENTS

These items were considered around 8:34 a.m.

- Board Survey**

Chairwoman Davis-Wilson encouraged meeting attendees to provide feedback by contacting Board staff and completing a Board Meeting Assessment Survey.

- Board Member and Staff Appreciation**

Chairwoman Davis-Wilson acknowledged and thanked Board members and staff for their hard work and efforts in facilitating the Board's meetings.

- Continuing education credit for Board meeting attendance**

Chairwoman Davis-Wilson announced that meeting attendees were eligible for continuing education credit. She stated that codewords would be provided throughout today's meeting that attendees are to email Board staff within one week of the meeting to receive the credit.

4. CALL TO THE PUBLIC

This item was considered around 8:36 a.m.

Dr. Sherry Craft addressed the Board during the Call to the Public regarding the impact of the Board's recent decision and concerns relating to the requirement to complete EPPP Part 2.

Dr. Marci Haines also addressed the Board during the Call to the Public regarding the requirement for individuals who currently hold a temporary license to complete EPPP Part 2 in order to qualify for full licensure.

5. COUNSEL UPDATE

This item was considered around 8:45 a.m.

AAG Galvin reported that the matter involving Dr. Sadeh was pending judicial review filed in Superior Court, and that oral arguments were scheduled for September 12, 2021.

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

The Consent Agenda was considered around 8:46 a.m.

MOTION: Ms. Shreeve moved for the Board to approve the items listed under the Consent Agenda.

SECOND: Dr. Meier

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

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

MOTION PASSED.

A. APPROVAL OF MINUTES

- July 9, 2021 Regular Session Minutes
- July 9, 2021 Executive Session Minutes

B. EXECUTIVE DIRECTOR'S REPORT

C. DISCUSSION/DECISION REGARDING PSYCHOLOGIST APPLICATIONS

Requesting Approval to Sit for EPPP & Licensure

- 1) Joseph C. Murthy, Psy.D.
- 2) Lauren Perry Blake, Psy.D.
- 3) Matthew R. Turley, Ph.D.
- 4) Nadejda Alexandrova, Psy.D.
- 5) Ricardo Thomas, Ph.D. (REAPP)
- 6) Jessica Lamar, Psy.D. (REAPP)

EPPP Required – Part 1 or Parts 1 & 2

- | |
|------------------------|
| Only Part 1 |
| Part 2 (Passed Part 1) |
| Only Part 1 |
| Part 1 & Part 2 |
| Part 1 & Part 2 |
| Part 1 & Part 2 |

Request Approval of Supervised Experience for Licensure (Re-opened App After Passing EPPP)

- 1) Emily M. Gruber, Psy.D.
- 2) Jarred Gallegos, Ph.D.

Requesting Approval for Licensure by Waiver

- 1) Kelsey Burrows, Psy.D.

Requesting Approval for Licensure by Credential (ABPP, CPQ or National Register)

- 1) Bradley MacNeil, Ph.D.
- 2) Royce Nikolsky Jalazo, Psy.D.
- 3) Stacey Krauss, Psy.D.

Requesting Approval for Licensure by Universal Recognition

- 1) David Scott. Cowen, Ph.D.
- 2) Michael Shamalov, Psy.D.
- 3) Nicole LePera, Ph.D.

D. DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- 1) Allison Marques, M.Ed.
- 2) Breelyn Petty, M.S.
- 3) Jeanette Birk, M.Ed.
- 4) Julia Cross, M. A.
- 5) Marisela Salas, M.A.
- 6) Michael Vivens Jr. M.A.
- 7) Pauline Brown, M.A.
- 8) Summer Abdeh, M.S.
- 9) Sarah Roughley, M.Ed.
- 10) Elena Rivera, Psy.D.
- 11) Emily Patten, M.Ed.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING RETAKE REQUEST FROM HEIDI RAMIREZ, PSY.D., TEMPORARY LICENSE HOLDER PSY-T-0000020

TIMED ITEMS – 9:00 a.m.

7. FORMAL ADMINISTRATIVE HEARING IN THE MATTER OF JEFFREY SIEGEL, COMPLAINT NO. 21-17, INCLUDING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER AS DETERMINED BY THE BOARD

This item was considered around 9:00 a.m.

Deputy Director Michaelsen noted that the Board previously considered this matter at its June 2021 meeting at which time the Board voted to proceed to Formal Hearing with the option to enter into a Consent Agreement for Voluntary Surrender in lieu of Formal Hearing. She reported that Mr. Siegel responded to staff the day before the Board's meeting, indicating that he accepted the Consent Agreement and returned it signed.

MOTION: Dr. Davey moved for the Board to vacate the Hearing scheduled today, accept the proposed Consent Agreement for Voluntary Surrender and notify the BACB of the action.

SECOND: Chairwoman Davis-Wilson

Dr. Gill questioned what remedies were available for the supervisee relating to documentation of her supervision hours. Chairwoman Davis-Wilson recalled that the matter involving the supervisee had been resolved previously and that her license was approved.

VOTE: The following Board members voted in favor of the motion: Chairwoman Davis-Wilson, Vice-Chairman Davey, Dr. Caterino, Dr. Gill, Dr. Meier, Dr. Mellott and Ms. Shreeve. The following Board member voted against the motion: Mr. Dynar. The following Board member was absent: Ms. Laboy.

VOTE: 7-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

TIMED ITEMS – 10:00 a.m.

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

a) Complaint No. 21-13 Brian Van Meerten, BCBA (Dr. Davey)

This item was considered around 10:01 a.m.

Chairwoman Davis-Wilson was recused from this matter and departed from the meeting upon the Board's consideration of this case. Dr. Mellott stated that she knew the complainants professionally and that it would not affect her ability to adjudicate this matter.

Mr. Van Meerten and Attorney Nathanael J. Scheer participated in the virtual meeting during the Board's consideration of this matter. Complainants DD and KC also participated in the virtual meeting.

Dr. Davey summarized that Mr. Van Meerten was issued a BA license in 2012, that he planned to resign from his company in 2020 and discussed with the complainants his availability to provide services for six weeks following his resignation to ensure a smooth transition for continuity of care. The following months, Mr. Van Meerten emailed the complainants informing them that he felt there were issues with the contract and that he would be resigning effective immediately. The complainants alleged that Mr. Van Meerten resigned after the first two weeks and did not ensure proper transition, failed to return client files in his possession, and did not complete clinical documentation for a number of individuals for which he was responsible.

DD stated that the complaint was filed as they believed it was their ethical obligation to do so. Dr. Davey noted that there was a text message exchange between the parties wherein they agreed to meet at the office to exchange some paper files, and that Mr. Van Meerten reportedly deposited the paper files outside of the office door and left them unattended for a matter of minutes. DD confirmed that he retrieved the box left by Mr. Van Meerten outside the office door, which was within a closed building with shared office space. Dr. Davey also noted that the complainants submitted a substantial spreadsheet outlining a records review and questioned the complainants regarding what that record review entailed. KC explained that an internal audit identified missing files for both active and inactive clients, that the audit was system wide, and that the spreadsheet specifically related to clients for which Mr. Van Meerten was responsible. Mr. Scheer clarified that when Mr. Van Meerten departed from the company in December, there were only 12 individuals that he was either treating or supervising, and that those 12 individuals were all discharged, treated or transferred.

DD explained that while Mr. Van Meerten and his counsel had indicated the active clients were ready for discharge, they discovered that some of the clients were not ready for discharge. Ms. Shreeve recognized that professionals can differ in their opinions as to whether a client is ready for discharge. Dr. Gill questioned the complainants regarding the spreadsheet that was submitted with the results of their audit of client records. KC stated it was possible that some documents listed as incomplete were in fact completed but were no longer in their possession. Dr. Caterino questioned whether prior audits identified any incomplete files. DD stated that they put forth effort to try and ensure that client files were complete and that it was unclear why the files were showing up as incomplete on the audit performed after Mr. Van Meerten's departure from the company. Dr. Davey questioned the complainants regarding Mr. Van Meerten's claim that they included additional tasks/responsibilities above and beyond what was negotiated and was the reason for his immediate departure in December. DD stated that there were no responsibilities added to what was agreed upon in their contract. Dr. Meier recognized that Mr. Van Meerten no longer had access to the company's EHR to assist in locating the missing client files. KC clarified that the audit was performed after Mr. Van Meerten dropped off the box of client files he had been storing in a locked cabinet in his home for protection after the museum fire.

In response to Dr. Mellott's questioning, Mr. Van Meerten explained that due to floods and fire, they elected to house inactive client files in a safe at his house which was the original address of the business. He stated they agreed to meet at the office to transfer the files and that to his knowledge, he provided them with all of the business-related documentation he had in his possession at the time. Dr. Davey questioned whether the licensee

was in possession of any client documents from his previous employer. Mr. Van Meerten explained that the complaint process was the first he had become aware of what client files were missing and that due to his data recovery measures, he was able to recover some files but was advised by counsel to not have any further direct contact with the complainants. Mr. Scheer clarified that the licensee was able to recover missing files from his personal computer to which the complainants would not have access and that he advised Mr. Van Meerten to await the Board's decision before contacting the complainants directly. Dr. Davey questioned whether transferring those files to the complainants would resolve the issues raised in this case. Mr. Scheer stated that they found more than 90% of the missing documents and that they were willing to electronically transfer the files to the complainants.

In his closing comments, Mr. Scheer reported that the Arizona Department of Health Services conducted audits of the company in 2018, 2019 and 2020, all of which he stated were error/deficiency free. He emphasized that when Mr. Van Meerten dropped off the files at the office, he waited to see the complainants arrive to retrieve them and that they were left unattended for only a minute or two. He stated that the majority of clients seen by Mr. Van Meerten until his resignation were discharged within thirty days thereafter and that there were no continuity of care issues identified in this case.

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

SECOND: Dr. Meier

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

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

MOTION PASSED.

The Board entered into Executive Session at 11:09 a.m.

The Board returned to Open Session at 11:14 a.m.

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

Dr. Davey stated that this matter involved employment issues that are not within the Board's purview, and that there did not appear to be any continuity of care issues raised. He stated it was unclear whether it was the licensee's fault that client files were missing and that it did not appear documents were withheld with malice. Dr. Davey stated that the documents in Mr. Van Meerten's possession should be turned over immediately to the complainants and completely removed from the licensee's system. Dr. Meier stated that he agreed with Dr. Davey's comments and stated his concerns regarding the organization's poor management of records. Dr. Meier stated it appeared that all parties involved were trying to address these concerns and that there did not appear to be a violation on the part of the licensee.

MOTION: Ms. Shreeve moved for dismissal contingent upon proof of exchange of the records in the licensee's possession within five business days.

SECOND: Dr. Mellott

Dr. Meier noted that the Board has identified recordkeeping violations in similar cases. He stated that records were mismanaged by the organization and stated his concerns regarding dismissal. Ms. Shreeve recalled KC's comments that it was not clear where the files had gone. Dr. Meier noted that the prior audits did not identify the missing files. Dr. Mellott commented that the agency needed to do its due diligence to establish a system for records transferring and to continue working on it to prevent a similar issue in the future. Dr. Mellott spoke in favor of the motion for dismissal. Dr. Gill stated his concerns regarding the documentation and recordkeeping issues identified in this matter and stated that this was a disservice to the public. Dr. Meier pointed out that this matter did not involve the organization and that in order to pursue such a complaint, a separate investigation would need to be initiated.

The Board discussed the different options available for the Board to pursue in this matter at this juncture. Mr. Dynar questioned whether the Board had the authority to issue a Letter of Concern at this time. Deputy Director Michaelsen clarified that A.R.S. § 32-2082(8)(j) authorized the Board to issue a non-disciplinary Letter of Concern and/or Order for Continuing Education at this juncture.

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

VOTE: 4-yay, 3-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board discussed whether an investigation should be initiated against the organization. Dr. Davey stated that the parties participating in today's proceedings have heard the Board's concerns and are aware of the issues identified here.

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

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SELF-REPORT SUBMITTED BY TIMOTHY KOCKLER, PH.D.

This item was considered around 8:47 a.m.

Dr. Kockler and Attorney Faren Akins participated in the virtual meeting during the Board's consideration of this matter.

Deputy Director Michaelsen summarized that Dr. Kockler had been licensed in Arizona for nine years, that he currently resided and practiced in Utah where he is also licensed as a psychologist, and that he was licensed in four other states as well. Dr. Kockler self-reported to the Board that on June 10, 2021, he was issued a citation for a misdemeanor charge after he was found to have a handgun in his luggage at the airport. Deputy Director Michaelsen clarified that the citation and police report indicated the offense for possession of a firearm violated Utah's criminal code and was listed as an infraction and not a misdemeanor. Dr. Kockler subsequently entered into a plea and abeyance agreement on July 9th which indicated that the Court would hold the plea in abeyance for thirty days and required Dr. Kockler to complete specific terms including payment of \$160 fine.

Dr. Kockler explained that he was flying out of the airport in Utah in June and learned that his grandmother was not well. He stated he rushed out of the house and TSA found his handgun that he at times carries in his office bag. Dr. Kockler stated it was entirely unintentional and that the violation was an infraction, not a misdemeanor.

Ms. Shreeve stated that she did not find a violation in this matter and stated her appreciation for the licensee's self-report to the Board. AAG Galvin clarified that the Utah violation did not constitute moral turpitude that would result in an allegation of unprofessional conduct in Arizona.

MOTION: Ms. Shreeve moved for the Board to take no action in this matter.

SECOND: Dr. Meier

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

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

MOTION PASSED.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF THE OUT-OF-STATE TELEHEALTH PRACTICE REGISTRY ESTABLISHED AT A.R.S. § 36-3606

This item was considered around 9:22 a.m.

Executive Director Herbst Paakkonen reported that incremental progress had been made toward implementing the telehealth registry and that the staff was trying to identify the most appropriate way to operationalize the intake of registry applications. She stated that staff determined that an online digital process was most appropriate for the registration process and noted that very few boards have had any applicants or a very small number of applicants for the registries. Executive Director Herbst Paakkonen informed the Board that the FY 2023 budget request will include a request for an increase in personnel in order to serve as intake and administrative management of the registry if needed.

Executive Director Herbst Paakkonen reported that there are currently more than 580 psychologists and 32 BAs that have been issued emergency temporary licenses and stated that she hopes to smoothly transition these individuals to the registry or PSYPACT where applicable. Chairwoman Davis-Wilson stated her appreciation and thanked the Executive Director for her hard work and efforts in this matter.

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

This item was considered around 9:27 a.m.

Executive Director Herbst Paakkonen reported that there have been no changes to the current state of emergency, that temporary license holders inquiring to the Board are being informed that their temporary licenses are active, that it would be in their best interest to stay informed of any announcements from the Governor's Office and to expect to receive some communications from the Board when there is a status change. She stated that temporary license holders are also being informed of the PSYPACT when applicable as well as the new telehealth registry.

Chairwoman Davis-Wilson recalled the Board discussed at its last meeting exploring options for returning to in-person sessions. She questioned whether returning to in-person sessions should be put on hold for the time being given the recent rise in COVID cases and returning to the issue at a future meeting.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING EPPP ONLY APPLICATION AND POSTDOCTORAL WRITTEN TRAINING PLAN SUBMITTED WITH PREVIOUS TEMPORARY LICENSE APPLICATION FROM JOHN CZAPLEWSKI, PSY.D.

This item was considered around 9:03 a.m.

Dr. Meier summarized that Dr. Czaplewski applied to sit for EPPP and submitted a postdoctoral training plan signed by Dr. Smith, a certified school psychologist. Dr. Smith did not meet the supervision requirements for Dr. Czaplewski's application as he was not a licensed psychologist. Dr. Czaplewski subsequently submitted a new plan with Dr. Mather dated August 2020 to July 2021. Dr. Meier stated it was unclear whether Dr. Smith or Dr. Mather were providing clinical supervision and assuming clinical responsibility for Dr. Czaplewski's work. The Board previously considered this matter and Dr. Czaplewski and Dr. Mather were requested to submit documentation to support their reports that Dr. Mather was providing supervision and clinical oversight, to demonstrate that Dr. Mather had access to school records, that parents were informed of such and that Dr. Czaplewski's work was signed by Dr. Mather. Dr. Meier stated that no supervision notes were provided, an undated postdoctoral training agreement was submitted from the school indicating that Dr. Czaplewski was directly supervised by Dr. Smith at the school and under supervision by Dr. Mather, and that the information did not demonstrate whether Dr. Mather had access to the clinical records or that parents were informed for consent purposes.

Dr. Czaplewski participated in the virtual meeting during the Board's consideration of this matter. He reiterated that he initially submitted the wrong training plan with his application by mistake, that it was an error on his part and that he takes full responsibility for it. He stated that he has since submitted the correct training plan with Dr. Mather. In response to Dr. Caterino's questioning, Dr. Czaplewski explained that parents were given verbal consent and were made aware of his status. Dr. Mellott stated that Dr. Czaplewski appeared to have met

the criteria for permission to sit for EPPP.

MOTION: Dr. Mellott moved for the Board to approve the application.

SECOND: Ms. Shreeve

Dr. Meier agreed that Dr. Czaplewski met the criteria for granting his request and he stated his concerns regarding the training plan and agreement submitted by the applicant for review. He recognized that the Board would have another opportunity to review the information if Dr. Czaplewski applied for full license in the future. Dr. Meier also stated concerns that the documentation submitted for review did not demonstrate that Dr. Mather has access to school records or that Dr. Czaplewski's reports were signed by Dr. Mather. Dr. Caterino noted that the agreement submitted by the school outlining the hierarchy of supervision was not dated. Dr. Mellott encouraged Dr. Czaplewski to make the necessary addendums to his application when he returns to apply for a full license.

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

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

MOTION PASSED.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING BEHAVIOR ANALYST APPLICATION FROM CHRISTA MCDIFFETT LEON, M.A.

This item was considered around 8:58 a.m.

The Board observed that Ms. Leon submitted her BA application with a converted number of hours, has completed the 1500 hours required, and submitted documentation from her supervisor.

MOTION: Chairwoman Davis-Wilson moved for the Board to grant licensure.

SECOND: Ms. Shreeve

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

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

MOTION PASSED.

14. NEW AGENDA ITEMS FOR FUTURE MEETINGS

This item was considered around 9:31 a.m.

- Review of communications sent to temporary license holders by the Board.
- Possible return to in-person sessions.
- Discussion of Dr. Mather's supervision and whether to initiate an investigation.
- EPPP early entry proposal and consideration of initial findings.
- Possible statutory change to require licensees to inform the Board of change in email address.

The Board recessed from 9:43 a.m. to 10:00 a.m.

15. ADJOURNMENT

MOTION: Ms. Shreeve moved for adjournment.

SECOND: Dr. Meier

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

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

MOTION PASSED.

The Board's meeting adjourned at 11:37 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Matt Meier Psy.D.". The signature is cursive and fluid, with "Matt Meier" on the first line and "Psy.D." on the second line.

Matt Meier, Psy.D.

Secretary