



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

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

Committee on Behavior Analysts

REGULAR SESSION MINUTES

September 28, 2020 - 9:30 a.m.

Held via Zoom

1. CALL TO ORDER

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

2. ROLL CALL

Committee Members Present

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

Jennifer Michaelsen, Deputy Director

Kathy Fowkes, Licensing Specialist

Assistant Attorney General Present

Jeanne Galvin, Esq.

3. REMARKS/ANNOUNCEMENTS

- **General Committee Remarks, Announcements and Updates**

Dr. Davis-Wilson thanked the members of the Committee and the staff for continuing to operate efficiently and responsively under the current circumstances. She observed that it has likely been the busiest six months since the Committee's formation, and expressed appreciation that the Committee members have been able to rise to the occasion and carry out the Committee's mission.

4. APPROVAL OF MINUTES

- **August 28, 2020 Regular Session**

MOTION: Dr. Stenhoff moved to approve the minutes as drafted. Dr. Raetz 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) Anna Reimers, 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, noting the supervision she acquired in Tennessee which is less restrictive than the Arizona requirements. The Committee determined the application can be forwarded to the Board with a recommendation for approval.

2) Beverly Razo, 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, with the exception of the fact that her license in Nevada is expired and additional information should be supplied to determine whether there was previous or pending discipline. The Committee determined the application can be tabled pending receipt of this information.

3) Brooke Seavitt, 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.

4) Jessica Irwin, 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.

5) Lindsay Noelle Campbell, 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. However, the Committee noted that one of the applicant's supervisors did not complete her BACB supervisor training until 18 days after the beginning of the supervised training period. The Committee noted that Ms. Campbell did not supply any excess hours of supervision above the required 1,500, therefore staff will need to notify the applicant that she must continue to work toward completing the 1,500 hours of supervision, and that her application will remain open in the meantime.

6) Maria Antoinette Land, 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. However the Committee noted that the application contains a discrepancy in the graduation date reported by the applicant relative to that which is indicated on the transcript. Additionally the members noted the applicant reported she was charged with a DUI in 2015. The Committee directed staff to invite the applicant to a future meeting to answer questions relative to the DUI, and to provide a correction on the date discrepancy to Board staff.

7) Melissa Harrison, M.S.

Dr. Davis-Wilson disclosed for the record that she is recusing from the consideration of this application as she previously provided direct supervision to the applicant. Dr. Stenhoff and Dr. Raetz both disclosed that they are former instructors of Ms. Harrison, but they are able to consider this application without bias. Ms. Harrison was present for the review of her application. She affirmed that she provided supervision to several BCBAs in Arizona while unlicensed. Ms. Harrison further stated that once she learned that Arizona law requires supervisors be licensed, she ceased that activity.

MOTION: Dr. Davey moved to meet in Executive Session for purposes of receiving legal advice. Dr. Stenhoff seconded the motion.

VOTE: The motion was approved 3-0.

Upon resuming the meeting in public session, Ms. Harrison was asked to describe the extent of the supervision that she provided while not licensed in Arizona. She stated she supervised 7 individuals beginning shortly after she achieved her BACB certification. She explained that once she became aware of Arizona's requirement that she be licensed, she transferred the supervision role to a licensed behavior analyst, Jessica Mattus. The Committee advised her to supply a written statement detailing that information.

MOTION: Dr. Davey moved to table action on the application until Ms. Harrison supplies information (including supporting documentation) concerning who she supervised while in Arizona, the time frames when the supervision occurred, how it was provided (and to whom). The motion included a requirement that Ms. Harrison indicate in writing at what point she became aware of the requirement that she be licensed, indicate whether she provided any behavior analytic services in Arizona while unlicensed, and come before the Committee again for an application interview. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved 3-0 with one abstention.

8) Mykaela Sigler, M.Ed.

The Committee proceeded with a substantive review of the application. Upon review, the Committee initials noted that the materials submitted were complete with the exception of meeting the required hours of supervision. The Committee subsequently revisited the application based on an update from staff, and as a result determined that the application was complete and fulfilled the requirements of statutes and rules. The Committee determined by a separate vote that the application can be forwarded to the Board with a recommendation for approval.

MOTION: Dr. Stenhoff moved to forward the application of Mykaela Sigler, M.Ed. to the Board with a recommendation to approve the license. Dr. Davis-Wilson seconded the motion.

VOICE VOTE: The motion was approved 4-0.

9) Patrycja Motylewicz, 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 noted that the applicant likely made an error on question 18 in that she answered in the affirmative. The Committee determined the application can be forwarded to the Board with a recommendation for approval upon receipt of that correction.

10) Renee Mallory, 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.

11) Shelby J. Leinweber, 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. However, the Committee noted there is an error in the matriculation date listed on the application that needs to be corrected. The Committee determined the application can be forwarded to the Board with a recommendation for approval upon receipt of that correction.

MOTION: Dr. Stenhoff moved the following applications be forwarded to the Board with a recommendation for approval: Anna Reimers, M.Ed., Brooke Seavitt, M.Ed., Jessica Irwin, M.A., and Renee Mallory, M.S. The motion included that Maria Antoinette Land, M.Ed. and Melissa Harrison, M.S. submit the information as discussed in the review of their applications, and that they come before the Committee for an interview. The motion further included that the application of Beverly Razo, M.S. and Lindsay Noelle Campbell, M.S. are incomplete and that they are required to submit the missing information as noted in the discussion. Finally the motion included a provision that the applications of Patrycja Motylewicz, M.S. and Shelby J. Leinweber, M.A. may be forwarded to the Board with a recommendation for approval once they make the corrections discussed. Dr. Raetz seconded the motion.

VOICE VOTE: The motion was approved 4-0 (with Dr. Davis-Wilson recusing from the vote concerning Melissa Harrison, M.S.).

B. Behavior Analyst Application for Licensure by Universal Recognition

1) Laura Darcy, Ph.D.

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.

MOTION: Dr. Davey moved the application of Laura Darcy, Ph.D. to the Board with a recommendation to approve the license. Dr. Stenhoff seconded the motion.

VOICE VOTE: The motion was approved 4-0.

6. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPLICATION FOR BEHAVIOR ANALYST TEMPORARY LICENSE APPLICATION OF PAIGE HUFF, SUBJECT OF COMPLAINT 20-52

Ms. Paakkonen reminded the Committee that the Arizona Board of Psychologist Examiners established a temporary license approved under the authority of the Arizona Department of Health Services given the COVID-19 state of emergency. She stated that the Board delegated authority to staff for evaluating applications and granting temporary licensure to qualified applicants; however, certain application instances require Committee review and approval given that A.R.S. §32-3124 requires, in part, at subsection (A)(3) that the applicant “is not the subject of an unresolved complaint against the person's health profession license.”

Ms. Paakkonen explained that Paige Huff, BCBA, has applied for a temporary license and that her application indicates she is a resident of Arizona, and that she is licensed as a behavior analyst in Texas. She noted Ms. Huff applied for a behavior analyst license on December 26, 2019 and is in the process of completing her supervised experience requirements. Ms. Paakkonen advised the Committee that the temporary application is presented to the Committee as Ms. Huff is the subject of a complaint filed with this Board (20-52). The complaint alleges Ms. Huff has engaged in the unauthorized practice of behavior analysis in Arizona. The complaint is currently in the investigative phase and staff anticipates it will be presented to this Committee later this year. Ms. Paakkonen listed the Committee's options for a recommendation to the Board to consist of granting the temporary license; deny the license (which is an appealable action); or table action on the application pending the outcome of the investigation for Complaint 20-52.

Ms. Huff was present for the discussion and indicated she owns a behavior analytic company with her husband who is a licensed behavior analyst in Arizona. She stated that she currently performs mostly administrative work, but is also completing her hours of supervised training under Samantha Lemons, also an Arizona licensed behavior analyst. Ms. Huff indicated that she believed the temporary application would be a short-term option until she has met the requirements for licensure. In response to Committee questioning, she described Ms. Lemons as a contractor to her company only for purposes of providing her with supervision. The Committee expressed concerns with this arrangement in that Ms. Lemons can be perceived to be subordinate to Ms. Huff at the same time she is providing her supervision.

MOTION: Dr. Davey moved to recommend to the Board tabling action on this complaint until the resolution of Complaint 20-52 is determined. Dr. Raetz seconded the motion.

DISCUSSION: Dr. Davis-Wilson reminded the Committee that the recently revised administrative rules now allow for alternative means to provide documentation of supervised hours completed when a supervisor is non-responsive to requests to supply that information.

VOICE VOTE: The motion was approved 4-0

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

Ms. Paakkonen advised the Committee that the BACB is collecting information from the jurisdictions on their "fair chance" licensing laws, meaning those laws that create a pathway allowing applicants for licensure to meet the requirements in spite of a criminal history. She noted that this collection of information will likely be informative to this Committee once it is assembled and reported out.

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

Ms. Paakkonen reported that no formal statements or directives have been issued by the Governor's office. She noted that some agencies are exploring gradually resuming in-person meetings.

9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMMITTEE VACANCY

Ms. Paakkonen reported that the Governor's Office of Boards and Commissions has not yet notified her of an appointment to the vacant position. Dr. Davis-Wilson stated that she has learned there could now be multiple applications under review which may be delaying the appointment process.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DIFFERENCES BETWEEN BACB MAINTENANCE OF CERTIFICATION REQUIREMENTS, AND BOARD OF PSYCHOLOGIST EXAMINERS CONTINUING EDUCATION REQUIREMENTS

This item will be addressed on a future agenda of the Committee. The discussion reflected that this topic will be scheduled for a special meeting dedicated to this and other closely related topics. The Committee noted that the members of the profession would be expressly invited to such a special meeting, and that they might be more inclined and able to attend a meeting that is dedicated to regulatory policy issues and discussions.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING POTENTIAL REVISIONS TO BEHAVIOR ANALYST ADMINISTRATIVE RULES

This item will be addressed on a future agenda of the Committee as noted above in agenda item number 10.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON DRAFT REVISIONS TO BEHAVIOR ANALYST APPLICATION FOR LICENSURE

Ms. Fowkes reminded the Committee of the previously discussed potential revisions to the application for behavior analyst licensure, noting that one question could be reworded to better capture information concerning applicants obtaining supervision from faculty while completing a practicum, and other edits could better capture other information specific to the nature of the supervision provided to applicants. Ms. Fowkes asked the Committee to reorder two questions so that the certification-focused question precedes that targeted at acquisition of supervised hours for purposes of licensure. Following some discussion the Committee requested additional time to review the draft proposed revisions and to place this matter on a future meeting agenda.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON DRAFT REQUEST TO THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS TO PERMIT CBA MEMBER ATTENDANCE AT THE 2020 ANNUAL MEETING

Ms. Paakkonen indicated this matter is on the agenda only if the members wish to discuss it. She reminded the Committee that the ASPPB Board of Directors approved the Committee members attending this meeting. She advised the members that anyone who would like to attend should advise her as soon as possible for the registration process to be completed. Dr. Davis-Wilson pledged to review the BACB continuing education requirements to ascertain whether attending the meeting is a qualifying activity; she further noted that attending the meeting is a qualifying activity for purposes of meeting Arizona licensure renewal requirements. Ms. Paakkonen stated that this meeting is a rare opportunity for Committee members to gain some additional regulatory knowledge.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CURRENT PUBLIC MEETINGS AND PUBLIC SAFETY ORDERS

Ms. Paakkonen advised the Committee that she had contemplated removing this agenda item given the lack of activity in recent weeks around the Arizona State Capitol, but that this may remain on the agenda given that Election Day is approaching which may trigger protests, demonstrations, or more volatile activity close to the Board office. The Committee advised staff to retain this agenda item for at least through Election Day and for a period of time post-election. The Committee acknowledged that the agency may also be a target for cyber-attacks which necessitates vigilance and taking precautions whenever possible.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING COMMITTEE AUTHORITY TO OPEN AN INVESTIGATION WHEN ALLEGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT ARE PRESENT IN AN EXISTING INVESTIGATION

Ms. Paakkonen reminded the Committee that this request precipitated from a recent complaint review which included some indication that licensees identified in the client record, but who are not the subject of the open complaint, may have committed acts constituting unprofessional conduct.

MOTION: Dr. Davis-Wilson moved to meet in Executive Session for purposes of obtaining legal advice. Dr. Davey seconded the motion.

VOICE VOTE: The motion was approved 4-0.

Upon resuming the meeting in public session, there was no further discussion or action by the Committee.

16. NEW AGENDA ITEMS FOR FUTURE MEETINGS

The Committee directed staff to place on a future meeting agenda a discussion concerning information specific to other behavior analysts discovered in the course of reviewing complaint 21-01. The item shall reflect the potential of making recommendations to the Board whether to open additional complaints.

17. ADJOURNMENT

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

VOICE VOTE: The motion was approved 4-0. The meeting adjourned at 11:48 a.m.