1) CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners Legislative Committee was called to order by Dr. Bohanske, Committee Co-Chair, at 2:13 p.m. on September 21, 2020. No Executive Sessions were held.

2) ROLL CALL

<table>
<thead>
<tr>
<th>Legislative Committee Members Present</th>
<th>Staff Present</th>
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<tr>
<td>Bob Bohanske, Ph.D., FNAP, Co-Chair</td>
<td>Heidi Herbst Paakkonen, Executive Director</td>
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<td>Adi Dynar, Esq.</td>
<td>Jennifer Michaelsen, Deputy Director</td>
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<td>Mathew A. Meier, Psy.D.</td>
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<th>Others Present</th>
<th>Assistant Attorney General</th>
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<tr>
<td>Phil Barry, Ph.D. (AzPA)</td>
<td>Jeanne Galvin, Esq.</td>
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<td>Kyle Lininger, BCBA (AzABA)</td>
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<td>Carey Beranek, BCBA (AzABA)</td>
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A quorum of the committee was established.

3) APPROVAL OF MINUTES

a. August 26, 2020

MOTION: Mr. Dynar moved to approve the minutes as drafted. Dr. Meier seconded the motion.

VOICE VOTE: The motion was approved 3-0.

4) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING COMBINING LEGISLATIVE COMMITTEE AND ADMINISTRATIVE RULES COMMITTEE

Ms. Paakkonen explained that at one point in the past, and for a number of years, both legislative and rules topics were addressed by a single committee. She noted that in the recent past the committee bifurcated, but given that there is a high degree of crossover of topics between the two committees it might makes sense for this committee to focus on both statute and rules discussions and recommendations. Ms. Paakkonen advised
the Committee that she is able to do much of the rule writing with direction coming from the members and from the Board. Dr. Bohanske explained that the committee split when the behavior analyst rules were drafted, and a dedicated committee was needed given the higher-than-usual workload involved in that effort. The committee noted that Dr. Mellott who previously served on the Rules Committee would be precluded from serving on the combined committee as in doing so would establish a quorum of the Board, but the members concurred that she could serve as a subject matter expert to the committee when needed. It was the consensus of the Committee to make the recommendation to retire the Rules Committee and to establish the Legislative Committee as the Legislative & Rules Committee until such time a separate Rules Committee might be needed in the future.

5) **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INFORMATION FROM REPRESENTATIVE FROM THE PSYCHOLOGICAL CLINICAL SCIENCE ACCREDITATION SYSTEM (PCSAS) ON PROPOSED LEGISLATION FOR THE UPCOMING LEGISLATIVE SESSION**

William Corbin, Ph.D. introduced himself to the Committee. He reminded the members that representatives of PCSAS accredited programs have in previous years sought accreditation parity with that of the American Psychological Association (APA) through a statutory change, but have yet to secure legislative approval. He explained that PCSAS represents a solution for those programs whose curriculum does not entirely align with the accreditation standards and philosophy of the APA. Dr. Corbin indicated currently 43 programs are PCSAS accredited, and are recognized by the Association of Psychology Postdoctoral and Internship Center (APPIC).

The Committee requested Dr. Corbin supply a copy of the standards manual used to evaluate programs applying for PCSAS accreditation. Dr. Corbin indicated those standards are available on the PCSAS website and explained that information relative to how the standards are applied are not supplied by the organization to PCSAS-accredited programs. The Committee inquired into whether Board staff can obtain that information directly from PCSAS as the standards manual will inform the Board’s debate. Dr. Corbin affirmed that he would connect Board staff to PCSAS staff for that purpose.

6) **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE ARIZONA PSYCHOLOGICAL ASSOCIATION’S (AzPA) LEGISLATIVE PLAN TO ESTABLISH PRESCRIPTIVE AUTHORITY FOR PSYCHOLOGISTS**

Ms. Paakkonen reminded the Committee that during the Board’s September 4, 2020 meeting AzPA requested a letter of support to the APA for a grant it is seeking to advance a legislative proposal to expand the psychology scope of practice to establish prescriptive authority for qualifying psychologists. Dr. Phil Barry introduced himself to the Committee and reported that the grant proposal has been submitted, and if awarded, will likely be used to prepare and distribute expert testimony supporting this public policy change in Arizona. Dr. Barry explained that AzPA will evaluate the outcome of the November election and at that time will ascertain when and how to move forward; however the timing will likely involve navigating the scope of practice sunrise process in the fall of 2021 and introduction of a bill in 2022. Dr. Barry acknowledged that the Board will require a delayed effective date to January of 2023 to allow for implementation of practice expansion. He requested the Board sustain its interest and involvement in this matter over the coming months and years.

The Committee asked whether any preliminary standards for prescriptive authority have been established. Dr. Barry indicated that there are some sets of standards in development and also some others under consideration. The members questioned a statement in the grant application that did not align with the Board’s grant support letter approved on September 4, 2020 in that the language indicates that the Board expressed support for psychologist prescriptive authority. The Committee requested that this representation be corrected to reflect the Board’s current position, and that it be adjusted as the Board continues to discuss the issue. Dr. Barry acknowledged that this statement was made in error and will be modified accordingly.
The Committee discussed with Dr. Barry the fact that the regulatory responsibility for this area of practice in most other states is with the Board of Psychology, but in some instances the Medical Board is responsible. Dr. Barry indicated that AzPA’s preference at this time is that the Board of Psychologist examiners in Arizona regulate this area of practice. He also called to the Committee’s attention the model act language developed by APA. Ms. Paakkonen explained that many of the details, such as education and training requirements, would be established in Board rule once the authorizing statute language is enacted. The members discussed what the education and training requirements would likely consist of. When questioned by the Committee Dr. Barry indicated AzPA anticipates opposition to the proposal from organized physician groups, but some individual physicians may be supportive. However, he further indicated their research indicates there is more support for this policy change among decision makers and influencers than has been the case in the past. The Committee acknowledged that this change would improve access to care by expanding the number of providers and clinicians at a time of crisis and critical shortages. The Committee secured Dr. Barry’s commitment to continue this discussion going forward so the Board may stay informed and at the appropriate time consider supporting a proposal.

7) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING POTENTIAL PROPOSED LEGISLATIVE CHANGES BEFORE THE 2021 FIFTY-FIFTH ARIZONA STATE LEGISLATURE, FIRST REGULAR SESSION

i. Update on the topic of regulation of Independent Medical Examinations as performed by psychologists

Ms. Paakkonen reported that her efforts to obtain guidance from the Governor relative to this issue are ongoing. She hoped to either have some direction or perhaps someone in attendance at this meeting to discuss the topic, but nothing has been received at this time. The Committee acknowledged that it is a challenging time to gather information, but reiterated interest in continuing to pursue some guidance from the Governor’s office.

ii. Revisit topic of individuals who have completed post-doctoral training requirements, continue to work as psychology associates, but remain unlicensed

Ms. Paakkonen reminded the Committee that this topic was discussed during its previous meeting, and the outcome at that time was an acknowledgement the Board cannot cast a regulatory net over everyone and every circumstance. However, she explained that following an informal interview of a licensee on September 4, 2020 who was alleged to have provided inadequate supervision to a psychology associate, the Board determined this issue should be reexamined. The Committee discussion reflected that this is a jurisdictional matter over which the Board should exercise its authority. The members noted that this issue concerns individuals whose 2-year temporary licenses, issued for purposes of completing post-doctoral training, have lapsed, but the individual has not achieved licensure. The Committee directed Ms. Paakkonen to draft an update the recently adopted Substantive Policy Statement to reflect that a supervisor remains responsible for the service delivered by the unlicensed individual should the individual remain employed past the conclusion of the temporary license. Additionally they asked that the statement reflect an individual is not permitted to treat clients in the absence of supervision; essentially that individual becomes a behavior health technician. The Committee acknowledged this will be more challenging to regulate in private practice settings than in licensed facilities.

iii. Other

Ms. Paakkonen reported that she has reached out to Representative Nancy Barto to request whether she would like to again sponsor legislation on behalf of the Board in the 2021 session. She indicated Ms. Barto is very likely to be elected to the Senate given that she is running unopposed, but Ms. Barto may suggest the Board seek an alternative sponsor depending on her committee assignment, which is unknown at this time.

8) NEW AGENDA ITEMS FOR FUTURE MEETINGS

No additional topics were requested.
9) ADJOURNMENT

MOTION: Dr. Meier moved to adjourn the meeting. Mr. Dynar seconded the motion.

VOICE VOTE: The motion was approved by a 3-0 vote. The meeting adjourned at 3:04 p.m.