

Board Members

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Rob Robichaud



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Staff

*Dr. Cindy Olvey
Executive Director*

*Lynanne Chapman
Deputy Director*

*Heather Duracinski
Licensing Coordinator*

REGULAR SESSION MINUTES

January 9, 2015, 7:45 a.m.

1400 W. Washington, Suite 240
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman DiBacco at 7:46 a.m. on January 9, 2015. No Executive Sessions were held.

2. ROLL CALL

Board Members Present

John P. DiBacco, Ph.D., – Chair

Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Vice Chair

Tamara Shreeve, MPA - Secretary

Paul Beljan, Psy.D., ABPdN, ABN

Bob Bohanske, Ph.D.

Janice K. Brundage, Ph.D.

Joseph C. Donaldson

Ramona N. Mellott, Ph.D.

Staff Present

Dr. Cindy Olvey, Executive Director

Lynanne Chapman, Deputy Director

Heather Duracinski, Licensing Coordinator

Attorney General's Office

Jeanne Galvin, Esq.

Board Members Absent

Rob Robichaud

3. CALL TO THE PUBLIC

There were no requests to speak.

4. COUNSEL REPORT

Ms. Galvin informed the Board that the Complaint and Notice of Hearing pertaining to R. Russ, Ph.D., has been drafted. Ms. Galvin stated that she will keep the Board apprised as to when the Formal Hearing has been scheduled with the Office of Administrative Hearings.

Ms. Galvin informed the Board that Oral Proceedings were held at the Pima County Superior Court on January 5, 2015, pertaining to Anthony Luick, Ph.D. Ms. Galvin stated that the Judge has taken the case under advisement and has 60 days to make a ruling. Ms. Galvin will keep the Board apprised as the case progresses.

Ms. Galvin informed the Board that Governor Ducey has ordered a moratorium on rulemaking. Ms. Galvin stated that she is researching whether the Order applies to 90/10 Boards and will keep the Board apprised of the matter.

5. CONSENT AGENDA – DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION

Dr. Brundage made a motion, seconded by Ms. Shreeve, to approve the items on the Consent Agenda. The motion carried 8-0. Mr. Donaldson abstained from the December 5, 2014, Regular Session Minutes.

(a) APPROVAL OF MINUTES

- December 5, 2014, Regular Session Minutes (Mr. Donaldson abstained)

(b) DISCUSSION/DECISION REGARDING PSYCHOLOGY APPLICATIONS

i. REQUESTING APPROVAL FOR EXAM AND LICENSURE

- Holly Perham, Ph.D.
- Jamie Kobsar, Ph.D.
- Juan Sanchez, Psy.D.
- Kristen Caraher, Psy.D.
- Megan Russell, Psy.D.
- Sue Moler, Psy.D.
- Tabatha Sandman Kerr, Psy.D.

ii. REQUESTING APPROVAL OF LICENSURE BY WAIVER

- Ida Babakhanyan, Ph.D.
- Leigh Randa, Ph.D.

iii. REQUESTING APPROVAL OF LICENSURE BY CREDENTIAL

- Andrea Gould, Ph.D.

(c) DISCUSSION/DECISION REGARDING BEHAVIOR ANALYST APPLICATIONS

- Courtney Peters, M.A.
- Jamie Christman, M.Ed.
- Jonathan Bowers, M.A.
- Kayla Rosenberger, M.Ed.
- Megan Wilcott, M.S.
- TJ Glahn, Ph.D.

6. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A REQUEST FOR REHEARING FILED BY STEVEN FOX, PH.D. IN RFI 14-06

Dr. DiBacco informed the Board that a rehearing can be granted if one of the seven conditions are met pursuant to Arizona Administrative Code R4-26-308(c). Dr. DiBacco summarized the seven conditions for the Board. Dr. Fox and his legal counsel, Terrence Cushing, were present telephonically, requested to speak, made a statement and answered Board members' questions. Mr. Cushing stated that a rehearing is being requested for conditions 1, 3, and 5. Mr. Cushing elaborated, stating that at the time of the Informal Interview, Dr. Fox was unaware that probation was required. Mr. Cushing and Dr. Fox discussed the anticipated impact of probation on Dr. Fox's practice.

The Board deliberated and expressed concern that Dr. Fox was unaware that probation was implicated as it was addressed multiple times at the Informal Interview. Additionally, the Board indicated that Practice Monitor and Practice Restriction requirements are considered terms of Probation. The Board clarified that even if Probation was not required, the requirement of a Practice Monitor and Practice Restriction is still considered discipline and will be reported to the National Practitioner Data Bank. The Board determined that none of the criteria pursuant to A.A.C. R4-26-308(c) in Dr. Fox's request for a rehearing were met. After deliberation, Dr. Bohanske made a motion, seconded by Mr. Donaldson, to deny Dr. Fox's request for a rehearing in RFI 14-06. The motion carried 7-0-1 with Dr. Mellott voting no in a roll call vote.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING COMMEMORATING 50 YEARS (1965 – 2015) SINCE ENACTMENT OF ENABLING LEGISLATION ESTABLISHING PSYCHOLOGY AS A PROFESSION IN ARIZONA

Dr. Bohanske provided a summary to the Board stating that the Board sent an invitation to Sandra Day O'Connor to provide welcoming remarks at the Association of State and Provincial Psychology Boards annual meeting or to attend a Board meeting in 2015. Dr. Bohanske stated that she graciously declined due to her busy schedule. Dr. Bohanske stated that he is working on compiling information to be presented at a booth hosted by the Board at the Arizona Psychological Association annual convention. Additionally, Dr. Olvey stated that the meeting in Tucson is set for February 27th, 2015, invitations will be sent to former Board members inviting them to attend an in-person Board meeting in 2015 and that the Board office is working on commemorative certificates.

8. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM JOHN DENBOER, PH.D. REGARDING COURT ACTION PERTAINING TO CITATION PREVIOUSLY REPORTED

Ms. Chapman provided a summary to the Board, stating that Dr. DenBoer self-reported a charge of driving under the influence issued in September 2013, which was reported within the required time-frame. At that time the Board did not take action, with the understanding that Dr. DenBoer would keep the Board apprised of the matter. Ms. Chapman stated that Dr. DenBoer's legal counsel, Larry Cohen, has kept the Board apprised and in December 2014, Mr. Cohen sent the resolution of the matter and supporting documentation to the Board office.

Dr. DenBoer and Mr. Cohen were present telephonically, requested to speak, made a statement and answered Board member questions. Mr. Cohen stated that this is a singular event for Dr. DenBoer and identified steps taken by Dr. DenBoer to avoid future issues.

After deliberation, Dr. Wechsler made a motion, seconded by Dr. Bohanske, to take no further action in this matter. The motion carried 8-0.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING WHETHER TO OPEN AN INVESTIGATION AGAINST RACHEL SCHWARTZ-WERNICK PERTAINING TO, BUT NOT LIMITED TO, POSSIBLE VIOLATION OF SCOPE OF PRACTICE

Ms. Chapman provided a summary to the Board stating that the Board office has become aware of website information indicating that Dr. Schwartz-Wernick may be providing psychological services without a license.

Dr. Schwartz-Wernick and her legal counsel, Faren Akins, were present telephonically, requested to speak, made a statement and answered Board members' questions. Mr. Akins and Dr. Schwartz-Wernick assured the Board that she did not mean to misrepresent herself, is not practicing psychology, and had no intent to hold herself out as a psychologist. Mr. Akins stated that one of the websites in question has been modified, and that Dr. Schwartz-Wernick is in the process of making modifications to her life coaching website. Dr. Schwartz-Wernick indicated that she would be willing to make further website changes as suggested.

Board members expressed concern that Dr. Schwartz-Wernick's listing on the Arizona Psychological Association (AzPA) website as "postdoctoral" may imply psychology, that wording in Dr. Schwartz-Wernick's life coaching website could potentially be misleading or imply that she is able to practice psychology, and that there is no definitive website statement making it clear to the public that, although Dr. Schwartz-Wernick may possess a doctoral degree in psychology, she is not in the practice of psychology. The Board discussed possible action such as continuing education in ethics, and the lack of jurisdiction to require the same. Mr. Akins stated that Dr. Schwartz-Wernick is willing to voluntarily obtain continuing education and submit documentation to the Board office.

After deliberation, Dr. Brundage made a motion, seconded by Dr. Bohanske, to table this matter to a future meeting to allow Dr. Schwartz-Wernick time to modify her life coaching website and her status with AzPA. The

Board strongly encouraged Dr. Schwartz-Wernick to obtain continuing education in ethics, with a focus on the appropriate representation of credentials. The motion carried 8-0.

10. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

Dr. Olvey stated that Governor Ducey was inaugurated on January 5, 2015, and on January 12, 2015, he presented his State of the State Address. Dr. Olvey stated that the budget will be released on January 16, 2015, and that she will keep the Board apprised of the outcome. Dr. Olvey informed the Board of SB 1009 and stated that the Board office will continue to monitor Bills that may affect the Board.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING EXECUTIVE ORDER 2015-01 PERTAINING TO INTERNAL REVIEW OF ADMINISTRATIVE RULES; MORATORIUM TO PROMOTE JOB CREATION AND CUSTOMER-SERVICE-ORIENTED AGENCIES

Dr. Olvey stated that on January 5, 2015, Governor Ducey signed the Order for a moratorium on rulemaking. The Board's Assistant Attorney General, Jeanne Galvin, stated that no state agencies can proceed with rulemaking with a few exceptions. Ms. Galvin elaborated that it is unclear as to whether the moratorium applies to 90/10 Boards. Additionally, Ms. Galvin stated that at this time the Governor's Regulatory Review Council is taking no action on rules but that it is unclear as to whether the moratorium applies to rule packages that are in process. Dr. Olvey stated that the Board's January 14, 2015, Oral Proceeding for Public Comment on Rules will likely be cancelled. Dr. Olvey and Ms. Galvin stated that they will keep the Board apprised as they receive more information.

12. NEW AGENDA ITEMS FOR FUTURE MEETINGS

There were no new items for future meetings.

13. ADJOURN

There being no further business to come before the Board, Dr. Brundage made a motion, seconded by Ms. Shreeve, to adjourn the meeting at 9:24 a.m. The motion carried 8-0.

Respectfully submitted,

Tamara Shreeve, MPA
Secretary